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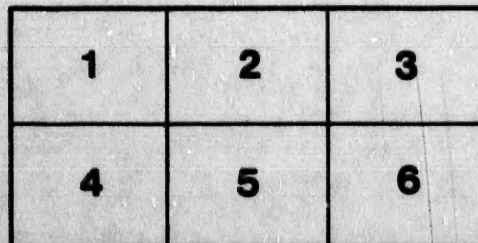
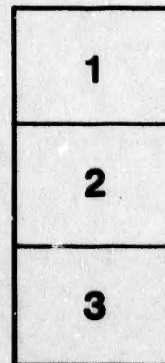
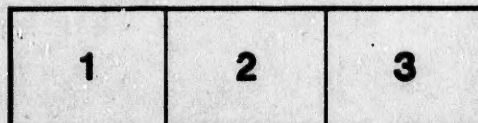
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PRIN

REMARKS
ON THE
R E P O R T
FROM THE
DEPUTATION
OF THE
HOUSE OF ASSEMBLY,
OF THE
Province of New-Brunswick,
TO HIS MAJESTY'S GOVERNMENT, IN THE YEAR 1836.

PRINTED BY LEWIS W. DURANT & CO., MASONIC
HALL, ST. JOHN, N. B.

1837.

Oct 1846

12 Sep 1847 Thos L Nicholson

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1847

Sep 7 Belmont Sunday in 1837

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Frederick 7 Aug 1847 Jacob Carril
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Jul 3 1847 at Edinburgh James

Peters son eldest son A. G. Pels

July 22 1847 Edward W Mulla
High Street York in 70y

London 11 June 1847 Mr Robert Chennell
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mentary duties. This negotiation was abandoned by the Assembly, chiefly on the ground that the Land Company's purchase money was not to be surrendered with the rest.

In the Session of 1836, this subject was revived in the Assembly, and Messrs. CRANE and WILMOT were appointed a Deputation, to proceed to England, for the purpose of renewing the negotiation with His Majesty's Government. At an early period of the last Session, the Lieutenant Governor sent down to both Houses, copies of the despatches which he had received from Lord Glenelg, the Secretary of State for the Colonies ; and on the 26th December, Messrs. Crane and Wilmot "submitted to the House a statement, containing a report of their proceedings on the subject of their mission, which was received, and ordered to lie on the table ; and on motion of Mr. Partelow, it was further ordered, that two thousand copies of the said Report be forthwith printed. And on motion of Mr. Johnston, it was resolved, that it should be printed under the direction and superintendence of a Select Committee of the House, composed of Mr. Johnston, Mr. L. A. Wilmot, and Mr. Partelow ; to whom the Report was then handed over." From these statements it appeared, that Lord Glenelg had agreed to surrender the Revenue to the Legislature, the balance in hand being fourteen times as much as was to be surrendered by Lord Stanley, and the Civil List nearly one quarter less ; and that, not permanent, but only for ten years.

From the time of the arrival of Messrs. Crane & Wilmot great anxiety was naturally felt by every body, to have an account of what they had done in this important business : and people in general were quite elated at the prospect of being able to secure a copy of the report when it should issue from the press. It did not escape observation, that there was

a deviation from the ordinary mode of printing and publishing parliamentary papers in this country, which has always been done, except in this single instance, under the direction of the Clerk of the House, whether Council or Assembly, which orders the printing. In this case it was ordered to be done under the direction of a select Committee ; but as the committee was composed of one of the deputation and Messrs. Partelow & Johnston, the former of whom, it was well known had been rendering some assistance in preparing the report for submission to the House, this circumstance was regarded as an *additional guarantee to its perfect accuracy*.—Great was the impatience which was manifested for the appearance of this document : at last after an interval of nearly three months out it came, and great was the outing thereof !

Now it had happened, that in this dreary interval of three months, a book, of about three quires of post paper, ruled with blue lines, half bound in a stiff cover, covered with grey marble paper, had been handed about both at St. John and Fredericton,—to prevent some of the choice good folks from absolutely perishing of hunger,—containing, written in a lady's hand, interspersed here and there with passages written by Mr. Crane, a recital of all their conversations with the official gentlemen in London, and copies of all their correspondence while in England. When, therefore, the report which bears the signatures of "William Crane & L. A. Wilmot," and the date "Committee Room, 21st Dec. 1836" : issued from the press of Henry Chubb, where it had been printed under the direction of the Select Committee, it struck several persons, that it did not look and read like that which had been circulated in manuscript. They looked, but looked in vain, for several passages, and several letters which they had

seen in it : they were astonished at finding phrases, sentences and even paragraphs which they had not seen. An inquiry was, therefore, set on foot for it, and it was soon produced. A review of this report, comparing it with the manuscript, was given to the public, in the Editorial columns of the Chronicle, commencing with 24th March, which with a few alterations is here reprinted in Pamphlet form, for the sake of more extended circulation.

But before going into this review, it will be well to state what were the reasons assigned by the Lieutenant Governor for refusing his assent to the Civil List Bill, by virtue of which the King's Casual and Territorial Revenue was to be surrendered to the Provincial Legislature, and also what are the insuperable obstacles if any, in the way of passing any such Bill.

The reason, assigned by His Excellency for refusing his assent to the Bill, was, that his " recommendation to put a suspending clause to it had not been adopted" : a recommendation which he was induced to offer, in order " to obviate any doubts and difficulties that might hereafter arise." For he had discovered that in the arrangements proposed, " an important error of calculation had occurred, respecting the amount required to defray the present charges in the Civil List, and that in the draft of the Bill sent out, there was an omission of one of the conditions upon which His Majesty had consented to surrender the revenue." Some days after the Message, from which the foregoing is an extract had been sent down, at the request of the Assembly, he sends down copies of his despatches to Lord Glenelg in which " he draws the attention of Government to these and other points, and requests further instructions thereon." The doubts and difficulties which he points out are ten in number.

1. The second qualification on which His Majesty had consented to surrender the revenue was, that it should be appropriated according to the usage of the British Parliament, but as this condition was not set out in words in the Bill, the construction put upon it would be, that the revenue was to be appropriated according to the usage of the Province, which is different from, and as we shall afterwards shew, greatly inferior to that adopted in the House of Commons.

2. The sum of £14,500 was fixed on the presumption that there would be a surplus of £566 currency : but Lord Glenelg was deceived by the Delegates as to the rate of Exchange—dollars being calculated at 4s. 6d. sterling, and not at 4s. 4d. as fixed by Lord Goderich in 1832 ; this would reduce the surplus to £190 currency.

3. The agreement, though based upon Lord Stanley's offer, made no provision for the £300 stg. for Government Contingencies, although he declared that that allowance should be continued ; this would reduce the surplus to a deficiency of £142.

4. The Bill made no provision for the expences of the Judges holding the Circuit Courts, although Lord Glenelg had directed them to be paid out of the Casual Revenue.

5. The 5th section of the Bill, making future grants or leases null and void unless the land granted, were sold or leased at Public Auction to the highest bidder, would operate very severely on the numerous body of squatters : 6, also on the Mill proprietors and Lumberers, besides being the very system complained against by the Assembly, in their Address to the Crown, presented by this very Delegation : 7, it would render nugatory the Government regulations for selling Land to Military and Naval Officers : 8, it would deprive the Crown of the power of en-

dowing with Land any public Institution : 9, it would invalidate the Great Seal as evidence of title from the Crown.

10. The tenth objection of the Executive was that the Bill was not accompanied by any authority under the Royal Sign Manual, or by any Order of His Majesty in Council to the Governor to assent to such a Bill as this, which is at once repugnant to several Acts of Parliament & the Royal Instructions.

But grave as these objections are to the details of the Bill, there are several Acts of Parliament which offer an insuperable obstacle to the passing of any such law : for it is an established principle of legislation, that any Colonial law which is repugnant to Act of Parliament "is utterly void and of none effect." It is even so declared to be by Act of Parliament. Now, it is well known, that by an arrangement made with His Majesty's Government a few years ago, our Assembly undertook "the payment of the Custom House Establishment in the Province," on the condition that the surplus of duties collected should be paid into the Provincial Treasury, and be at the disposal of the Provincial Legislature. This being the case, Messrs. Simonds and Chandler stated to Lord Stanley in 1833, that "the House of Assembly conceived that, upon constitutional principles, they had an undoubted right to the disposal of certain duties upon Wine, Molasses, Coffee and Pimento, collected at the Custom House under the provisions of Acts of Parliament 6, Geo. 2, c. 13 : 4, Geo. 3, c. 15 : and 6, G. 3, c. 52, amounting to about £1000 sterling annually." "In answer to these remarks, Lord Stanley observed, that in pursuance of directions contained in the Statutes themselves, the duties levied under them are remitted to the Exchequer in England, in aid of the expences incurred for the defence of

"the British Colonies in North America." They could not be left to the disposal of the Provincial Legislature except in violation of the Acts of Parliament, by virtue of which they had been collected." Here then are three Acts of Parliament, to which the Civil List Bill is repugnant, and which must be repealed before any Provincial law repugnant to them can be of any effect at all.

But there is still another Act of Parliament, which presents a yet more stubborn obstacle in the way of our Civil List Bill, viz : 1, Wm. 4, "An Act for the support of His Majesty's Household and of the honor and dignity of the Crown of the United Kingdom of Great Britain and Ireland." By section 2d it is enacted—"that the produce of all the hereditary rates in England and Ireland —and also the small branches of the hereditary revenues, and the produce of the hereditary casual revenues arising from any droits of the Admiralty or droits of the Crown, or from the four and a half per cent. duties or West Indian duties, and from all surplus revenues of Gibraltar, or any other possessions of His Majesty out of the United Kingdom, and from all other casual revenues arising either in the Foreign possessions of His Majesty, or in the United Kingdom, which have accrued since the decease of his said late Majesty, and which should not have been distributed in the payment of any charge thereupon respectively, or which should accrue during the life of his present Majesty (whom God long preserve) SHOULD BE MADE PART OF THE CONSOLIDATED FUND OF THE UNITED KINGDOM."

It certainly is extraordinary, that all these Acts of Parliament should have been so completely lost sight of, in all the Government Offices in London : it is a fact which speaks very little for the care and

diligence observed in the transaction of public business. However so it is ; and till the last mentioned act was quoted in the Chronicle of Feb. 24, its existence was not only unknown to the great body of the people ; but when produced was absolutely denied. We often hear of a donkey cart, and a coach and six being driven through an Act of Parliament, but it is very certain that it will require better driving than this Province can recommend, to get one of our acts of Assembly cleverly through the four Acts which we have recited, and perhaps one or two more, which may be discovered.

It has already been stated, that the message of Sir A. Campbell, at the opening of the session, pointed out to the two Houses an *error*, and an *omission* in the Draft of the Civil List Bill, prepared by Messrs. Crane & Wilmot in London, and sent out by Lord Glenelg. The *error* was one of calculation, which may be briefly stated thus—that Dollars were calculated at 4s. 6d. instead of 4s. 4d. sterling. We all recollect that Mr. Wilmot stated in a speech in the House, that it was Lord Glenelg's intention that, in future, the salaries of the Government Officers, borne on the Civil List, should be paid in dollars at 4s. 6d. : that they had been paid long enough at 4s. 4d.—with much of the same sort equally unfounded. We had some suspicions at the time, that Mr. Wilmot was making all that “out of whole stuff,” and we accordingly searched their Report for the passage ; but we have looked in vain for any passage in which the different rates of the dollar came under discussion. In the printed report there is no such passage. There is, however, in the report in manuscript a passage, under date “Seventh Interview, Saturday, Sept. 10,” which, from its being of no importance at all, not the smallest consequence in life, the merest trifle possible, so trifling

that it would have been an utter waste of ink to print it,—is to be found only in part in the printed document; but for the garbling of which, of course, neither the Delegates, nor the Select Committee, are responsible—the whole responsibility resting on the Printer's devil—in which Lord Glenelg asked what “was the difference between the £14,000 stg. “and the £15,000 currency proposed by us. We “answered it was only £500, but yet we thought it “was not desirable that the Executive should be “troubled with the annual expenditure of so small “a surplus:” it is however *printed* thus—“we hoped “His Lordship would reduce the proposed sum at “least by deducting the surplus of £607 sterling, as “we thought it was not desirable that the Provincial “Executive should be troubled with the annual expenditure of that amount.” Here is a precious garbling for you my boys! Capital this! Now all you young lawyers, who are aspiring to walk in Mr. Wilmot's steps some of these days, come forward and take a lesson on Report making! Look at this master-piece of garbling; is it not a cap sheaf! !—Here we have proof under the hand of the very delegates themselves, that Lord Glenelg did not know how to turn sterling into currency—that he asked *them* what was the difference, not between any different sums of £14,000 sterling and £15,000 currency, but the difference between *the* £14,000 sterling, that is, £14,000 paid in the manner contemplated by Lord Stanley in dollars at 4s. 4d. and the £15,000 currency proposed by them in dollars at 5s. and they had the impudence to tell him “*that it was only* £500. In dollars at 4s. 6d. £14,000 sterling is equal to £15,556 : 11 : 1 3-9ths, but in dollars at 4s. 4d. the rate fixed by Lord Stanley, and by Lord Goderich in a despatch dated October 24th, 1832, it is equal to £16,153 : 16 : 8 ; making the difference

between the two sums, not £500, but £1153 : 16 : 8, MORE THAN DOUBLE WHAT THEY SAID IT WAS. Talk now if you please of *truth and integrity* after this.— Said Mr. Crane to Mr. Wilmot *'tis a good bargain ;* said Mr. Wilmot to Mr. Crane, *'tis a good bargain, there's no mistake about it :* said Mr. Crane to Mr. Wilmot, *how shall we clinch it ?* This too is a specimen of the Report of the Delegates, and will satisfy any one how much confidence is to be placed in the truth of it. Well enough might Lord Glenelg return the minute of the conversation on July 14, which they had the impudence to put into his hand, with the following dignified rebuke for their insolence, conveyed in a note dated September 22, *but not printed*—“ Lord Glenelg presents his compliments to Messrs. Crane and Wilmot, and herewith “ returns the original minute left by those gentlemen “ with him, of the interview which took place at his “ office on the 14th July last. Having communicat- “ ed to Messrs. Crane and Wilmot the final decision “ of His Majesty’s Government upon the questions “ discussed at that interview, Lord Glenelg does “ not think it necessary to *revise* the minute of what “ then passed in conversation, and in returning it, “ begs to be understood neither as *affirming*, nor as “ *contradicting* the accuracy of the statements con- “ tained in that document, but only as respectfully “ *declining to express any opinion on the subject.*”

Why was this note not printed in the Report, but omitted like the enquiry into the different rates of the dollar ? Will any one after this believe for one moment that the Report printed by Mr. Chubb, is a true and faithful account of what was done and said, written and received by the Delegates ? Never ! people will place no more confidence in it than they would in Mr. Crane’s account of the qualities of a horse which he might wish to sell. Pretty well this,

says I. Pretty well this ! says you. Pretty well this ! say both of us. But what is coming is better still.

The omission in the draft of the Civil List Bill, referred to in the Governor's Message, is the second qualification, subject to which "His Majesty has been graciously pleased to consent to the application of the Assembly." It is stated in these words in Lord Glenelg's despatch of August 31. "The second qualification has for its object to preclude questions which might otherwise arise as to the manner in which the right of appropriation is to be exercised by the House of Assembly, His Majesty proposes that the law and custom of Parliament, and more especially the established usages of the House of Commons with regard to the appropriation of the surplus of the Consolidated Fund of Great Britain and Ireland, shall be assumed by the Legislature of New-Brunswick, and more especially by the House of General Assembly, as affording the rule for their guidance in the appropriation of the Revenues of that Province.—Some exceptions may unavoidably arise out of peculiar local circumstances, forbidding perfect coincidence in the two systems, which however subject to those exceptions, would be precisely similar."

Now those who have ever enquired into such matters very well know, that there is a great difference in the custom of Parliament, and the custom of our Assembly in voting money. In England the Executive originates the grants, the Commons concur with the grants in the shape of separate resolutions, and the Lords concur with the bill in gross. Here the House originates the grants, the Council concur with the grants in the shape of separate resolutions, and the Executive concurs with the bill in gross.—

We naturally ask, did the Delegates make Lord Glenelg acquainted with the fact that such a difference existed? If they did, then they betrayed the confidence reposed in them when they were allowed to draft the bill, by not inserting in it both the qualifications which were made the condition of surrender. But we have carefully looked over the said report, and cannot discover the least evidence on that point. The only passage which bears the most distant allusion to it, are to be found at p 7 and p 25. "Some conversation then ensued as to the mode of paying the Civil List expences in Great Britain from the Consolidated Fund, and as to the analogy which would exist between that and the contemplated mode of payment in New-Brunswick." "We asked His Lordship what we were to understand by the second qualification, or condition of the surrender, and in what way the right of appropriation by the Assembly was to be exercised. His Lordship answered, that it was intended by the second qualification, that after making provision for the Civil List, the Assembly were to have the appropriation of the residue, if any, for public purposes." The first of these passages refers only to the expences of the Civil List, not to the surplus: the second—now boys! all you who want to get a lesson on Report making, pay attention! particularly you young lawyers who admire Mr. Wilmot so much, listen! *that passage is not to be found in the manuscript report*, which contains Lord Glenelg's note to Messrs. Crane and Wilmot, mark that my boys! there's for you!! that passage is not to be found! They never on any one occasion informed Lord Glenelg, and he never for a moment suspected that there was any difference in the mode of appropriation here and in England, and he thought it sufficient when he said

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"the Assembly were to have the appropriation of the residue," to be distinctly understood.

Now boys! having given you a lesson in report making, we will give you another in bill drafting, and we will give it to you merely for the price of the Chronicle, whereas Mr. Wilmot would charge you a lumping sum for it, unless by a little hocus pocus, he could get it put into the Contingent Bill. Messrs. Crane & Wilmot well knew that if a clause were inserted in the Civil List Bill rendering it imperative that the surplus of the Casual Revenue should be appropriated according to "*the law and custom of Parliament*," that is to say, that the Executive should originate the grants, the House concur with the grants in the shape of separate resolutions, and the Council were only to concur with the bill in gross—the bill would be thrown out of the Legislative Council: that that house would not entertain it for a moment.—Knowing this, the management of the business became a matter of some delicacy, and required all the skill of Messrs. Crane & Wilmot. Now boys! see how they manage it! They never mention the existing difference to Lord Glenelg—but offer to draw the bill themselves. To this proposal he assented. They sent it to him on Saturday 24th Sept. On Monday 26th and Tuesday 27th, they call at the office but find Lord Glenelg "absent from town": (we quote from the printed book) Wednesday 28th, they write the following note—
 "If Messrs. Crane & Wilmot could see his Lordship
 "for a few moments, they apprehend that THE DRAFT
 "COULD BE AT ONCE SO MODIFIED, AS TO OBTAIN THE
 "NECESSITY OF SUBMITTING IT TO THE LORDS OF THE
 "TREASURY"—for Mr. Stephen under Secretary of State for the Colonies, had alarmed them with the information on the evening of the 24th that it must be submitted to them. Now who told them

that the draft needed modification ? Since it had been sent in, they had not seen Lord Glenelg for he was absent from town : they had received nothing from the Colonial office but a formal note from Mr. Stephen acknowledging its receipt, but saying nothing about modification.—Where did they find out that it needed modification ? What then is the meaning of all this ? They wanted to prevent the draft being submitted to the Treasury, lest some of the officers of that Department should be more alert than the head of the Colonial Department :—and seeing that the surrender was based on *two* qualifications, should insist upon it, that the **SECOND** *should be set out in words* in the Bill, as well as the first : they did not like too many eyes prying into their work. However Lord Glenelg would not consent to act without the Treasury, but to gratify their urgent desire for all possible haste, he urged the Secretary of the Treasury to push it through with all the despatch possible. On Friday 30th, they gave Lord Glenelg a second copy of the draft, and to distract attention, added to it “ *some marginal references to precedents.*” Now why was this precaution taken ?—“ Hang it don’t you know ?” They were afraid that the Treasury Solicitor would search for precedents himself, and by some unlucky chance stumble upon the 1 Wm. 4. **BY WHICH THE CASUAL REVENUE WAS MADE PART OF THE CONSOLIDATED FUND**, and so blow the whole transaction ! To prevent such a dire calamity, *they* do the searching : and refer to “ 1 Ann, 1 Geo. 3, and 10 Geo. 4, c 50”—but never let on that 1 Wm. 4. relates at all to the subject. So what with Lord Glenelg’s laziness, and his hurrying the Treasury, and the management of Messrs. Crane & Wilmot, they succeeded in their scheme : the second qualification is not set out *in words* in the Bill, like the first, and it accordingly passes the Le-

gislative Council, who would otherwise not have entertained it for a moment ! Here is a pretty piece of business for you ; the annals of diplomacy, (to say nothing of horse dealing) cannot furnish such an instance of making a bargain ! making a report ! or drafting a Bill !

Premising that by the term *Report*, we shall always mean the printed Report, and by MS. the Report in Manuscript.

We perceive, Report p. 3, the following—"we wished also to call the attention of Government to the subject of the Disputed Territory between the State of Maine and New-Brunswick." This was inserted to show the poor gulled New-Brunswickers how much they had done for the £1850, which Messrs. Crane & Wilmot contrived to expend, for as we see by the Journals this immense sum was granted to "Messrs. Barlow & Sons for money advanced by them towards the expences of the Deputation." But looking at the MS we find the following "His Lordship then made some inquiry about the Disputed Territory." Now supposing the subject was discussed at all ; it would not appear to be of much consequence by whom it was introduced : neither indeed would this misstatement be of much consequence, if it stood alone ; but when added to the multitude of others which are to be met with, in almost every page of that precious document, it shows that no confidence is to be placed in any part of it.

Report. Second Interview. Saturday, 9th July. Here is to be found a reference to the administration of Gen. Smyth, during which it says—"the amount of that (timber) duty was for some time *annually* disposed of in paying "the Contingencies" of the local Government, and in various unknown ways." Now we all know that this statement is false

in fact ; the Casual Revenue has not been spent *annually*, so that when Sir H. Douglas assumed the government upwards of £34,000 had accumulated in the chest. Moreover this statement is not only thus false in fact, but the passage is not to be found in the MS.

Under the same date is another passage which we shall quote at length—" On the following day His " Excellency communicated an extract of a Despatch from Mr. Stanley, under date of 4th Jan. " 1834, informing the House that the chief item in " the then Crown Revenues, the proceeds of the sale " to the N. S. and N. B. Land Company was not to " be included in the surrender,—and the bargain " was up. The last mentioned dispatch was sent " to New-York and thence to Fredericton by express ; and that unusual course of communication " adopted by Mr. Stanley afforded a strong confirmation of the opinion, that he had intended by his " despatch of the 30th Sept. to surrender the very " money which he withheld on the 4th January following." This statement like the preceding one is false in fact,—and is also scandalously garbled. In the MS. it stands thus—" they were subsequently " informed by Message from the Governor that the " proceeds of the sale of the N. B. Land Company " were not to be included in the Revenues surrendered, that of course put a stop to the proceedings " at that time." Now this is not half so brave a speech as that printed in the Report : but we shall find throughout, that whenever the HONORABLE GENTLEMEN get very brave and speak out like men in *set round terms*, the passage is never to be found in the MS. They say p. 2, " Mr. Stanley thought proper to retract in a very extraordinary manner.— p. 11, " we assured Sir G. Grey, that some more " efficient controul must be brought to bear upon

"the Land Department in future, to prevent the recurrence of such *extraordinary proceedings* as "those of the last year." Neither of these brave speeches are to be found in the MS. If these two passages are really genuine, we shall be inclined to suspect that the Honorable Gentlemen have two styles, one suited to the meridian of each place; and that that which they use in New-Brunswick, if used in Downing-street would have insured their being put out of the office by the porters. It would not, moreover, have been safe to talk in Downing Street about the "unusual course of communication" adopted by Mr. Stanley" because there might have been a reference made to the Despatch book and they might have been convicted upon the spot of a palpable falsehood. Mr. Stanley's despatch of 4th January, 1834, was sent *by the January Mail*, arrived at Fredericton on 4th March, and was communicated to the House by Message on the 5th, (see Journals 1834, p 170)—it was a *duplicate* which was sent via New-York, but that did not arrive till eight or nine days after the original. So much for the confidence which is to be put in the printed book.

These few preliminary remarks, coupled with our observations in our last number, will we think have prepared the minds of our readers for what is to follow.

Report, Wednesday, 21st July. "We are informed by note from Sir G. Grey, at the desire of Lord Glenelg, who was too unwell to see us himself, that he (Sir G. Grey) would be happy to have an interview with us on the 24th inst. at 12 o'clock. They accordingly went. "Tuesday 27th July.—"In compliance with the request of Sir G. Grey, we this day submitted in writing, for the consideration of Lord Glenelg, the substance of the foregoing remarks." The copy of this paper inserted

in the MS. differs from the account given in the Report most materially. The passage to which we have already referred about the "more efficient controul upon the Land Department" is not to be found in it : nor either of the last four paragraphs about the gross and net proceeds, and the lavish expenditures, &c. ; nor the still more *extraordinary* passage which we are going to quote at length.— " Sir George Grey expressed great surprise at such " sales having been made on *petition*—and informed " us, *that those proceedings were in direct violation of* " *Lord Ripon's despatch*, which was intended for all " the Colonies, so far as it required future sales to " be by Auction." Now when we read this passage it rivetted our attention—and the more we reflected upon it, the more we became convinced that like many other things in this Report it had been made up " out of whole stuff ;" we were convinced that Sir G. Grey knew that the sale of Land on petition was *not a direct violation* of Lord Ripon's despatch, and we felt convinced that Sir George was too much a man of honor to assert what he knew to be an untruth. We are not ashamed to confess, that we here began to fear that we should be beat—that here was a mystery in the wonderful history, which we could not solve. Never mind, we said, there is nothing like patience and perseverance. Rome was not built in a day : nor the Casual Revenue secured by only one effort. The first Delegation cost about £1000, and nothing was done, except spending the money : never mind, try again ! The second Delegation cost £1,850, besides the price of the horse which died on board the Beverly, and the half starved Bulls which cost £962 more—and nothing was done except spending the money : never mind try again ! A third Delegation is gone, which of course will cost as much more than the second, as the se-

cond cost more than the first—and that will then amount to £2,700—a pretty penny to spend in hunting after a mare's nest!! When we reflect upon all this, we were determined not to be discouraged, but to persevere like the House of Assembly in sending Delegates to Downing Street. We looked into the MS. and there we found something to the same effect, which, with the skill of report making possessed by the delegates, might have been so dressed up. We then carefully read over the minute submitted to Lord Glenelg, but in it there is not a trace of any such passage. At last it occurred to us, to look at a copy of a despatch from Lord Glenelg to Sir A. Campbell, dated 31st March, 1835—a copy of which was given to the Delegates at this time; but which, (like Lord Glenelg's note to Messrs. Crane and Wilmot which we published last week,) it was thought improper to have inserted in the printed quarto book though inserted in the MS.—When our readers have read the extracts which we are going to make from that despatch, and reflected that in the minute submitted there is no mention of any such assertion having been made by Sir George Grey—we feel confident that they will agree with us that the falsehood, and false it is every word of it, was not uttered by Sir George, but written by Messrs. Crane and Wilmot. The following is an extract from the despatch, Sir—"I have the honor "to inform you that I have received from the hands "of Messrs. Rankin & Bliss the Addresses to His "Majesty stated in the margin. on the subject of the "prices fixed by the Surveyor General of New-Brunswick on waste Lands and Licences to cut "timber in that Province.—But while I thus decline "to entertain the prayer of the memorialists, and "express my opinion that the arguments which they "have put forward are not borne out by the circum-

" stances of the case, I feel at the same time that
 " some alteration might be advantageously introdu-
 " ced into the practice at present pursued in New-
 " Brunswick, in regard to the sale of land and Tim-
 " ber Licences. You are of course aware that *this*
 " *practice differs in some essential points from that pur-*
 " *sued in the other North American Colonies.* When
 " in the year 1831 the Earl of Ripon established in
 " those Provinces, the principle of sale of Crown
 " Estate by public Auction, *he forbore in deference to*
 " *the opinions of the acting Governor, (Hon. Wm.*
 " *Black,) and Surveyor General of New-Brunswick,*
 " *from enforcing that system in that Province.* It
 " appears however, that His Lordship did not depart
 " from his opinion of the advantages of that system
 " and accordingly in the instructions under the sign
 " manual respecting the disposal of Crown Estate
 " in New-Brunswick, dated February 1832, a clause
 " was introduced to *sanction its sale by public Auction*
 " *should such a measure appear advisable,* and in his
 " despatches of the 25th May and 20th Sept. 1832,
 " Lord Ripon urged its adoption in regard to Li-
 " cences to cut timber. This principle was not
 " novel in New-Brunswick. In an elaborate report
 " dated in Nov. 1828, Mr. Baillie had himself strong-
 " ly recommended the sale of Lands and Timber by
 " Auction. The experience which has since been
 " acquired in the Canadian Provinces leads me to
 " the conviction that the system thus advocated by
 " the Earl of Ripon and by Mr. Baillie is the most
 " advantageous that has hitherto been suggested for
 " the disposal of the Crown Estate, I have therefore
 " to desire that in future you will avail yourself as
 " much as possible of the permission granted by the
 " 13th clause of the Royal Instructions of 1832, by
 " adopting the principle of the sale of Land and of
 " Licenses to cut Timber by public Auction at an

"upset price. To assist you in drawing up the necessary rules for that purpose, I enclose a copy of the printed regulations under which Land is disposed of in Australia and other Colonies. In conveying to you this instruction it is I trust, unnecessary for me to disclaim any design to call in question the manner in which Mr. Baillie has hitherto exercised the discretion committed to him: *the records of this office offer abundant testimony to the diligence and ability with which that Gentleman has discharged his arduous duties*, and the present state of the Casual and Territorial Revenue of New-Brunswick, is a proof of the success with which he has laboured to protect the Crown Estate from the depredations to which it has been formerly exposed; but I feel that the responsibility which is devolved on him by the existing system is a burden which ought not to be imposed on any individual, and I am confident that he will view with satisfaction the introduction of a principle which while it secures the interests of the Crown, will relieve him from the necessity of relying on his own unassisted judgment in fixing the ultimate price of Land and Timber."

"Signed GLENELG."

As we have already said this Despatch was given to Messrs. Crane & Wilmot, and it is to it, that Lord Glenelg alludes when he speaks, as he often does, of the instructions for the sale of Land and Timber to which the Governor and Council are to conform. This Despatch was dated in March 1835, so that at the time of the interview in question it was only fifteen months old, and having been looked up for the occasion, New-Brunswick affairs occupying a good deal of the attention of the office, it is impossible that Sir George Grey should not have been intimately acquainted with Lord Ripon's plan in all its details.

This consideration added to the fact, that no allusion to any such passage is to be found in the minute submitted to Lord Glenelg, must satisfy any one, that Sir George Grey did not, could not, have uttered any thing so false, but that the Delegates have wronged and insulted him by putting such a speech into his mouth. Next week we shall resume the examination of the contents of this precious Report; and in the mean time content ourselves with saying that if there can be found any one, who after this, will place the shadow of a shade of confidence in that document, his folly and credulity are as great, as the cunning and dexterity of Messrs. Crane and Wilmot.

Our observations on the Report of the Delegates have hitherto been general; being designed as a sort of preliminary proceeding to ascertain what degree of credit may be due to it. Our own opinion we have not hesitated to express in pretty decided terms, and we know that there are numbers in all parts of the Province who concur with us openly, and multitudes more as we have reason to believe, who though they say but little for fear of being abused by the Radicals, in their secret souls are satisfied that the whole concern is a tissue of tricks and fraud.

We shall now condescend upon particulars, and with a view to putting into a connected shape what is now lying higgledy piggledy, shall arrange our remarks on the different subjects in the order laid down by Lord Glenelg in his Despatch of August 31, commencing with his No. 1, "the management of the Crown Estate." The representation of the Assembly in their Address and by their Delegates, His Lordship says "is in substance, that the powers at present confided to the Commissioner of Crown Lands are excessive, and that the system which that Officer in the exercise of his discretion has fol-

"lowed, has tended to retard the settlement and the prosperity of the Province." This as Lord Glenelg declares is the substance of their representations: we shall now proceed to the particulars.

With respect to what the Address of the Assembly asserts, it will be better to look at the resolutions than the address, because in them the different heads are more systematically arranged.

They complain in resolution No. 7, of "numerous and sudden changes in the system of disposing of Land in 1834 and '35: in No. 8 "of sales and leases of large tracts to individuals." In No. 9 "of sales by auction taking place at Fredericton instead of in the Districts where the lands are situated." In No. 10 "of the upset price not being affixed to each lot," In No. 11 and 12, "of selling Timber Berths at Auction." In No. 13 "of granting timber licences on only one day in each month." In No. 14 "of leasing extensive tracts of Timber Land for a term of years." In No. 15 "of taking Bonds from lessees." In No. 16 "of Timber licences not being renewed immediately on their being applied for: and of the competition for new Births not being restricted to the applicants only." In No. 17, "of a higher rate being demanded from poor settlers than that fixed previous to 1828." These are all the items of complaint put forth by the Assembly, and in most cases we use the very words of their own resolutions, and *all* the material words, the remainder of each resolution being mere stuff, designed to give the thing as imposing an appearance as possible, one resolution scarcely differing in substance from the other, and merely showing the skill of the great master manufacturer of resolutions to the House, in ringing the changes upon any given theme.

We have now to begin the task of examining the

report of the delegates to ascertain what they were pleased to say on this same subject of grievances. It appears that Lord Glenelg gave them a copy of his despatch at the "sixth interview, Saturday, 26th August, and as nothing passed on that occasion about the "management of the Crown Estate," we must look for what they *said* to the five previous interviews ; two of which were with Sir George Grey. In the first they confined themselves in their complaints to "the sales of large tracts of land to individuals, and the frequent and sudden changes in the system of disposing of land and timber," and stated that the Assembly wished that the "power of the Commissioner might be transferred to the Governor and Executive Council." This was all that then passed according to the *printed* report, except something about surprise at the small net proceeds and the large quantity of land sold, which will more properly come under another head. As usual the manuscript Report differs materially from the printed one, containing particulars which have no been printed. The time appointed for the interview it says, was half past three, (the printed report says 3 o'clock.) It says that they waited half an hour before they were admitted: that Lord Glenelg, (struck no doubt with the elegance of their appearance,) requested them to be seated: that "when they got up to take leave, a shower came on, and his Lordship asked them to sit down until it was over: some general conversation ensued, and when the rain ceased, (to let the Noble Secretary see that they had *larnt* and not forgotten their manners) they *made their bow* and departed. This MS. precise as it is in describing these apparently trifling particulars merely says, with respect to the management of the Crown Estate, "we then stated the manner in which the sales of large tracts of land had been man-

aged, and the frequent changes in the mode, and also the disposal of logs and timber had created much dissatisfaction." (No doubt ! the lumberers would have been very glad to get logs and timber for nothing !)

In the second interview, they stated that if Lord Glenelg "was disposed to believe that the Assembly had no just cause of complaint, but that the proceedings connected with the Land Department had been wisely and prudently conducted, they would be prepared to shew by incontestible evidence to the contrary." This is all that then passed, except that they incidentally speak of "the extraordinary proceedings of the Land Department in 1835," but do not go into any particulars.

As usual the MS. goes into particulars which are not printed ; it says this interview lasted upwards of an hour, and that Lord Glenelg did not begin the conference till they were seated. As we have no wish to exaggerate or extenuate in the slightest degree, we feel bound to say, that the printed report is in this instance a fair condensation of what is in the MS.—the *incontestable evidence* is there stated to be "facts and figures."

The third interview, 14th July is an important one ; it is that one referred to in the note which Lord Glenelg addressed to Messrs. Crane and Wilmot, but not inserted in the printed report as we stated in our first paper. The Report says—"As to the sales of Land in 1835—his Lordship admitted and approved of the spirit with which the Assembly had brought that subject before the Government, as they had asked to have the power at present invested in the Commissioner transferred to the Governor and Executive Council." The MS. speaks "of the sale of land," but without specifying in what year. This is everything that passed rela-

tive to the "management of the Crown Estate," at that interview, and as this was the last time they saw Lord Glenelg, till he gave them the draft of his Despatch of 31st August, we have before us everything that they said to the Secretary of State.

In the fourth interview with Sir George Grey, they are called upon by him, "to particularise some of the proceedings of which they complained" they answered says the Report, "large sales of land:" that "tracts ranging from 5,000 to 22,000 acres each, amounting to 240,000 acres had been advertised for sale by Auction between April and November, and several large tracts had been disposed of by private sale. A tract of 100,000 acres on the Tobique had been sold for 10s. per acre with leave for the applicant to explore and select from June till January following. The time was afterwards edlarged, and only two per cent. deposited." That an advertisement appeared in the Royal Gazette stating that "*all the* vacant surveyed lands throughout the Province were to be sold at Fredericton by Auction on 7th December—afterwards the words '*all the*' were omitted: the sale was however postponed." This shews they said what msght be done under the present system! Yes! two immaterial words may be at any time left out of an advertisement, and a sale may be postponed! Sir George Grey astonished no doubt at the enormity of ~~this~~ offence made sunh a report as induced Lord Glenelg to request a minute in writing of this conversation from Messrs. Crane & Wilmot. At the fifth interview, 12th August with Sir George Grey, nothing was said relative to the Land Department. We come now to the sixth when Lord Glenelg gave them the draft of his despatch to Sir A. Campbell of 31st August.

It is quite refreshing after dwelling so long as we

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have, upon the trashy stuff of the Delegates, to come to any thing written by Lord Glenelg, for whatever may be our opinion of him as a Statesman and bargain maker—it is impossible not to admire the elegance of style in all his writings. But before we go into this Despatch it will be necessary to advert to his Despatch of 31st March, 1836—from which, as he says, Sir A. Campbell “will have seen, that the “management of the Crown Lands in New-Brunswick has engaged much of his attention.” A copy of this despatch was given to the Delegates, and is copied into their MS. but with unpardonable disingenuousness is not printed in the report. This despatch contains Lord Glenelg’s opinion and decision on the Address to the King presented by Messrs. Rankin and Bliss, and Sir A. Campbell’s Despatch of 7th July, 1835, and the Commissioner’s report contained in it.

“The memorialists represent, (writes his Lordship,) that while the supply of white and red pine timber has of late year’s diminished the prices demanded for licences to cut it has been raised : (how droll !) that the regulations in regard to licences are of a vexatious nature, and that the high price fixed on wilderness land has retarded the settlement of the Province : they therefore pray that the prices fixed on land and timber may be reduced, and the authority to alter them be withdrawn from the Commissioner.” “Mr. Baillie reports that the price demanded for timber on the Crown Lands is less than that received by individuals and by the Government of the States—the truth of which is admitted by some of the memorialists.” “This though not unimportant would not of itself afford a sure criterion of the moderation of the prices, a more conclusive argument is to be found in the continual and rapid progress of the

" Casual Revenue during the last four years. Nor
 " are these the only grounds on which I must record
 " my opinion that the apprehensions expressed in
 " respect to Mr. Baillie's proceedings are not born
 " out by the facts,—I cannot admit that the increa-
 " sed and growing scarcity of a particular species
 " of timber is a reason for diminishing its price,
 " nor that the excess of the Casual Revenue beyond
 " what is indispensably necessary to the expences of
 " the Government, should be a sufficient argument
 " for reducing the price of the waste lands. The
 " Revenue to be derived from this sale is by no means
 " the only, nor even the principal object which it is
 " necessary to keep in view. Such a system should
 " be pursued as will maintain a just equilibrium
 " among the different classes of society. Without
 " denying the force of the arguments which have
 " been urged in favour of encouraging by free grants
 " of land, or by an extreme lowness of its price, the
 " resort to the province of the poor but industrious
 " classes, I must yet be allowed to observe that the
 " system has been found in practice to be attended
 " with many and very serious disadvantages, by
 " forcing into the class of land-holders all those who
 " under ordinary circumstances would gain their
 " subsistence by daily-wages, it destroys that divi-
 " sion of labour which is indispensable to the well
 " being of every community, by inducing every man
 " to work only on his own account, cripples the ex-
 " ertions of capitalists, and materially impedes the
 " advancement of society in that career of prosperity,
 " which its natural resources under a more enlight-
 " ened system might command." " For these reasons
 " I felt myself precluded from advising His Majesty
 " to accede to the prayer of the addresses now be-
 " fore me, by directing a reduction in the price of
 " land and timber." " With respect to their sug-

"gestion that twelve months notice in the Royal
 "Gazette of any alteration in the terms of Timber
 "Licences—it appears to be but little calculated to
 "meet the rapid changes in the value of land and
 "timber in a colony like New-Brunswick." After
 this follows the passage which we quoted last week
 with respect to the sale of land and timber by auction.

This was the state of the case when Lord Glenelg
 gave his despatch to the delegates on the 26th Au-
 gust. In it he says, "in deference to the judgment
 "already expressed by His Majesty on this subject,
 "the Assembly withdraw on the present occasion,
 "their claim (*put forward by Messrs. Simonds and*
"Chandler the former deputation) for the entire
 "control and management of Crown Lands, and
 "suggests that such controul and management should
 "in future be confided to the administrator of the
 "Provincial Government and the Executive Coun-
 "cil. His Majesty is pleased to acquiesce in the
 "suggestion. It will be your duty hereafter in all
 "questions relating to the disposal of lands and
 "timber to submit the subject for the consideration
 "of the Executive Council, and to proceed only in
 "conformity with the opinion of that Council, or of
 "a majority of its members. To the Commissioner
 "will still belong the duty of carrying into effect
 "such measures as shall have been thus decided on.
 "His Majesty at the same time readily admits the
 "right of the Legislature to pass such laws as may
 "seem to them expedient for the guidance of the
 "Executive in this branch of their duties. His Ma-
 "jesty will be at all times prepared to receive and
 "to consider with attention any suggestions and
 "advice respecting the policy and system of ma-
 "nagement which may be offered to the Crown by
 "the Council and Assembly of New-Brunswick
 "whether by address, or in the form of Legislative

"enactment.—It will be indispensable that any Act "should contain a suspending clause."

In the "remarks on the draft submitted to Lord Glenelg" by the delegates they suggest "Legislative regulation of the Land office, that it is desirable that any Act passed should be allowed to go into immediate operation because of the delay which must ensue in obtaining the Royal Assent!"—then follows a good deal of the Messrs. Crane and Wilmot's style of stuff about the intimate acquaintance of the Legislature with the general interests of the country and such like blarney. This point is again adverted to in the seventh interview 10th Sept. when they assured his Lordship "that the Legislature (*as they always have been*) would be careful not to pass such a Bill as would be disallowed by His Majesty." Lord Glenelg would not however accede to their proposal. The discussion on this subject was closed at the eighth interview 14th September, and the plan as settled is detailed in Lord Glenelg's despatch to Sir A. Campbell 5th September.—There is, he writes, an alternative—this is, that no act "for the regulation of the land Department, shall come into operation till a given period after its passing. If therefore any act presented to you shall contain a clause, providing that it shall not come into operation until the expiration of at least four months from its date: you will be at liberty, should you see no objection to the act on other grounds, to give your assent to it. It will be your duty immediately to transmit the Act to me, in order that it may be brought under the consideration of His Majesty in Council."

This is a recital of every thing that occurred relative to this, which was by every body considered one of the most important objects of the deputation.—Notwithstanding the preparations which have been

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making for years for this assault on the Land Office ; notwithstanding they had all the assistance which could be derived from the John Gape papers—the highly valuable labours of Messrs. Simonds and Chandler who did, nobody knows what, for they were too knowing to commit themselves by submitting a written report—the petitions from Miramichi—the wonderful resolutions which Mr. Partelow has from time to time thrown off, with the rapidity of a steam press—and all the agitation, and all the falsehoods, and all the abuse, and all the long dull slanderous speeches delivered in the House under privilege, oh how absurd—this is all they could make of the management—of the Land Office ! Not one syllable of disapprobation of the conduct of the Commissioner could they elicit from Lord Glenelg ! On the contrary he expresses his entire approbation of “ the manner in which Mr. Baillie had hitherto exercised the discretion committed to him, the records of the office offering abundant testimony to “ the diligence and ability with which he had discharged his arduous duties.” He approves of his sales of large tracts, because the proceeds have filled the chest. He approves of the increase in the price of land, because it affords less encouragement to the poor settler to become a land holder. He proves that the complaints of the Assembly are all perfect moonshine.

And what are the wonderful measures of amelioration agreed upon ? The Commissioner, as is the case at present, is to submit questions which may arise to the Governor, who is to bring them before the Executive Council, and be guided by the opinion of the majority. Good ! this is worth something ! Then the Council and Assembly are to be at liberty (as they always have been) to offer to the Crown any advice in the management of the depart-

ment by address: Good! this again is worth something! Or they may do so (as they always could have done) by Legislative enactment, provided the act is not to go into immediate operation to give time for His Majesty's pleasure to be signified.— Good! this also is worth something. Besides the Governor if he sees no objection to the Act on other grounds, may assent to it with such a clause. Good! excellent! this too is worth something! Moreover the sales of large tracts are to be prohibited Good! this too is worth something. How much of the immense sums (£1000, £1850, &c.) which have been wasted upon deputations, and all the rest of that stuff, by which the country has been so infamously imposed upon. It puts one in mind of what the Vicar of Wakefield said to his daughters, who for a shilling a piece had been promised by the fortune teller a Lord and a Squire—that for three pence he could have promised them a Prince and a Nabob. If instead of their sending two gentlemen, they had sent two sheets of paper to the Province agent, he could have sent them by the penny post (without any necessity for doubling his pay) to the Colonial Office, and as much would have been done with the Crown Land Office as the deputations have effected. Certainly it *was* quite right and proper for the House to resolve “that the despatches of Lord Glenelg containing the determination of His Majesty's government with respect to the Land Office should afford the House the most entire satisfaction: and that the House should entertain a deep sense of the high obligations they owe to His Majesty's Government for the measures of amelioration introduced into the management of that department. And it was equally right and proper that they should entertain a high sense of the attention shewn by Lord Glenelg to the deputation during the progress

of the negotiations carried on with His Lordship on the subject of the Land Department : and that they should give the thanks of the House to William Crane and L. A. Wilmot, Esquires, Members of the House who composed the Deputation, together with £1850 and members pay and allowances : and that they should also give the thanks of the House to Henry Bliss, Esqr., together with double pay as Province Agent.

We have already said that on the accession of Wm. 4, in 1830, he surrendered to the Imperial Parliament, *all his revenues in his possessions*, in return for the Civil List of the Kingdom. On March 3, 1831, Mr. Partelow introduced some resolutions which were passed by the Assembly in which that fact is recited, and concluded with an address to the President (Hon. W. Black) requesting a detailed account of the Casual Revenue, from 1st January, 1824 to 1st January, 1831. To their address Mr. Black replied "that *consistently with such instructions as have been hitherto received*, he could not now comply with the prayer of it, but that he would transmit it for consideration of His Majesty's Ministers, and their orders thereupon."—On March 16, Mr. Partelow moved that "the subject be brought under consideration of His Majesty's Government by an address from the House;" the address was brought up by the committee on the 31st, but a squabble having arisen among the members, the Assembly was prorogued without its having been agreed to.

1832, Jan. 25, Sir Archibald Campbell sends down the following answer from Lord Goderich to Mr. President Black's despatch inclosing the address of the Assembly to himself in which he says with reference to the accounts "*it is not in my power to authorise you to comply with their request.*" February 4, Mr. Simonds moves an address to the Governor

"for an account of the Casual Revenue from 1st January, 1830 to 31st December, 1831." His Excellency on the 7th, referring to Lord Goderich's despatch, "declines to comply with the request." On 21st Mr. Simonds again moves for "an account of the receipts and expenditure in 1831, *with a view to determine the propriety of making a proposition to His Majesty's Government to pay the Civil List.*" To this, on the 22d, the Governor assents, and the accounts are sent down on the 24th. On the 29th, Mr. Simonds moves for a Committee to prepare an address to the Crown, to propose a surrender of the Crown Revenues to the House "on their making proper provision for the Civil List." The address was passed March 8, and contains the following remarkable passage, "the House of Assembly *having received such information from the Lieutenant Governor of the Province as His Excellency was authorized to give*, upon the subject of your Majesty's "Casual Revenue,—submit this their proposition." Here then we find that as yet there has been *no ground* for the complaint of the Assembly, but that sufficient information had been afforded them on which to found a proposition, and that they had received all that the Governor was authorized to give.

1833, February 20, Mr. Partelow moves that as the expected answer to the forgoing address may not arrive in time, an address be presented to the Governor for a detailed account from 1st January, 1829 to 1st January, 1833: the answer however arrives and is sent down on the 25th; it is dated January 3, 1833, and after declining the proposition, contains the following passage, "His Majesty regrets that there should have appeared to the Assembly any want of due economy in the management of the Crown Revenues, and will give his

best endeavours to have them so administered as to "conduce to the benefit of the Province. He will "be happy to receive from the House any suggestions which may tend to that object, and in order "that they may be enabled to point out any improvements, which they may think desirable, he "will direct the accounts relating to the receipt and "expenditure of the Revenue, to be laid before "them." Upon the strength of this despatch Mr. Kinnear moves February 28 "an address to the Governor for *accounts* from August, 1824 to 31st December, 1832. It is here worthy of remark that the House have never yet asked twice for the same accounts, the period to be embraced in every time different—from 1st January, 1824 to 1831—1st January, 1830 to 1832—1st January 1831 to 1832—1st January, 1829 to 1833—now from August, 1824 to 1st January, 1833, so that it would appear that any accounts, and for any period, would answer their purpose just as well, one as the other. The Lieut. Governor seeing this and also that Lord Goderich specified no particular period, felt himself at liberty to use his own discretion, and on March 1st replies that "he does not feel himself authorized to furnish "accounts embracing a period elapsed before his "own assumption of the Government: and that having furnished a detailed account for 1831, he will "order a similar one for 1832, being of opinion that "he is then acting most fully in obedience to the "tenor of Lord Goderich's despatch." This account was then sent down on the 7th. The first notice taken of these accounts was on the next day, when the House in committee of the whole passed eight resolutions: of which the following is extracted from the 4th, "*The refusal of the Lieutenant Governor to "furnish the Assembly with particular accounts to the "extent prayed for, have given just reason to believe*

"that great abuses exist in the Land Department." After having passed this resolution so unnecessary, so unfounded and offensive, on the 11th Mr. W. Taylor moves that "that the accounts be referred to a select committee:" the next day Mr. P. below brings in the Report which forms No. 8 of the appendix; and says that "from the way in which the account is made up, it is impossible for your Committee to ascertain *whether it be a correct one or not*, as it is unaccompanied by any detail of receipts—" with the exception of obtaining information as to "the way in which the large amount drawn has been applied in 1832, the House will be in as much obscurity as ever." On the 16th these accounts and the report on them were ordered to be printed; and the address to be sent home by Messrs. Simonds and Chandler, who composed the first deputation was passed. In that document they say with reference to the Casual Revenue accounts that since the receipt of Lord Goderich's despatch the Governor "has not conceived himself authorized to give them information to the extent prayed for, by which they are not enabled to point out such improvements in the management of these Revenues as the despatch fully contemplated." This closes the proceedings of that year—the Governor and the House differing in opinion as to the extent to which the accounts were ordered by Lord Goderich; the Governor thinking *that* enough which would enable them "to see the way in which the accounts drawn were applied," and this the report admits they were enabled to do:—the House thinking that a detail of receipts should have been furnished, that they might see "*whether the accounts were correct or not*"—thereby claiming a right to audit the King's accounts, a duty which belongs to the Auditor General, and which the King had not in any way committed to the As-

sembly, or called upon them to express an opinion upon.

1834. This year the deputation make their report. In the paper dated 8th August, 1833, submitted by them to the House, Lord Stanley says, "recent instructions to the Governor to furnish the House of Assembly with detailed accounts, annually, of the receipts and expenditure of the Casual Revenue will have removed the principal cause of complaint on this point." In Lord Stanley's despatch laid before the house 12th Feb. there is no allusion to accounts. Feb. 13, Mr. Partelow moves an address for the Casual Revenue Accounts for 1833 : they were sent down on the 21st, and referred to a Committee. On 1st March, Mr. Partelow presents the report of the committee. On the 7th Mr. Partelow moves an address for the *particular items in detail*, of certain items stated in gross ; the Governor replies on the 11th, stating that "it had been his wish and endeavour to render the information required from him complete and satisfactory, and regrets to find numerous and voluminous accounts are now sought for, some of which are of a nature, which he feels himself compelled to decline furnishing : he will however take upon himself the responsibility of directing all such of the accounts to be prepared (as he can with any degree of propriety furnish) with the understanding that it is not to be considered as a precedent for future proceeding." The accounts were sent down on the 13th, and are to be found in the appendix. On the 19th an address to the King on the surrender of the Casual Revenue was agreed to. Now if the Assembly had not been satisfied with the accounts furnished to them, here would have been a very convenient opportunity for making a complaint : *but the address does not contain one syllable of complaint,*

the presumption therefore is THAT THEY WERE SATISFIED, and had no complaint to make. Up to this period then there is no ground for the "complaint of the Assembly that they had not been able to obtain detailed accounts of the Casual Revenue," and the Governor might well dissent from the correctness of the assertion."

1835, Jan. 28th, Mr. Weldon moves an address for the Casual Revenue accounts for 1834: the accounts were sent down Feb. 17. On the 19th a despatch from Lord Aberdeen is sent down declining any further proposals "respecting the cession of the Territorial Revenue:" but *no mention of any kind is made of Casual Revenue accounts.* March 7th, Mr. Partelow gives notice, and on the 9th brings forward some resolutions, which contain no allusion to the accounts. On the 14th an address to the King founded on these resolutions was agreed to, *but not one word of complaint does that address contain about accounts having been withheld.* We are therefore justified in saying that even up to this period the complaint is unfounded.

1836. Jan. 25th, Mr. L. A. Wilnot moves an address for the Casual Revenue accounts for 1835: the Governor replies that "that he does not feel himself authorized to comply with their request to the full extent—some of the particulars asked for being under the consideration of His Majesty's government, and others not under his controul; but he will direct to be laid before the House a statement of the receipts and expenditure of the Casual Revenue for the past year." These accounts having been sent down they were referred to a committee. Feb. 25th, Mr. Partelow from the committee reports "that the information sought for has not been given. Instead of statements and accounts *in detail*, they are furnished *in gross*,

“affording information of comparatively small importance. Your committee are of opinion, that the House should have detailed accounts to enable them to make any suggestions to His Majesty’s government that might be considered necessary, and *recommend that His Excellency be again addressed on the subject.*” No other address was however presented, but March 7th, Mr. Partelow moves sundry resolutions which passed the House.

2. “that agreeably to Lord Gederich’s despatch in 1833, the House should from time to time make suggestions to His Majesty’s Government relating to the Crown Lands and Revenues :” 3. “that to enable the House to do this, the most full, particular and explicit information should be laid before it regarding the receipts and expenditure of the said revenues :” 4. “that by the despatch of 7th August, 1833, of Mr. Secretary Stanley, it appears that recent instructions had been given to the Governor to furnish the House with detailed accounts :” 5. “that it is deeply to be regretted that His Excellency has not felt himself authorized to direct such accounts in detail, thereby rendering it impossible to make such suggestions to His Majesty’s Government regarding the Crown revenue, as might have been deemed expedient and necessary.”

Now it will be recollected that those resolutions formed the “*sailing orders*” of the deputies, Messrs. Crane & Wilmot, and the fact that this deputation had been determined on, was the reason why the recommendation of the committee that “the Governor should be again addressed for accounts,” was not acted upon. They were afraid that *too much* would be furnished and so the grievance be removed. Still the accounts, such as they are, are quite as full, and convey as much information as those of 1831,

1832, and 1834 with which the House had either expressed themselves satisfied, or with respect to which they had made no complaint. The only authority to which they appeal for demanding accounts at all is Lord Goderich's despatch of 1833, but in that the extent of the demand is limited to such particulars as will enable them "to point out improvements in the management of the Crown Revenues:" not one word is said, there or elsewhere, about their being erected into a board of Audit.

Let us now look at what passed between the delegates and Lord Glenelg on this subject. 1st interview, "We proceeded to observe on the mystery "and concealment with which the Crown revenues "had been managed, for that although His Majesty's "Government had given frequent directions that "full and detailed accounts should be laid before "the Assembly, they had never been furnished in a "satisfactory shape, and in such a manner as to "enable them to make those suggestions which they "had been invited to offer, and that such withhold- "ing and concealment had been the cause of very "great and increasing discontent in the Province. "Lord Glenelg expressed surprise that accounts had "not been given to the Assembly in as full and de- "tailed a manner as possible, as the instructions had "been very plain on the subject." We have now to bring forward a precious piece of garbling. It is a misdemeanour indictable at law to garble spices—to garble reports is perhaps no offence at all! The following is in the above passage in the MS.— "We then stated another cause of complaint was "the withholding the accounts—*some accounts had "been furnished at different periods* (why did they "not tell the truth, and say, *every year*) and during "one session all that were asked for with the excep- "tion of two or three, but the want of these and

"previous information sought for, had prevented them from making suggestions;"—"Lord Glenelg expressed surprise that the accounts had been withheld." Compare, now, this report of what Lord Glenelg said with the printed one, and reflect upon the passage of their own speech which is omitted: however let that pass for the present. If accounts had been improperly withheld why did they not complain to His Majesty's government. They sent addresses in 1831, '32, '34, and '35, but neither of them contains a word on the subject: Messrs. Simonds and Chandler it would appear made some complaint, but what no body knows, for they made no report: Lord Stanley, however, treated the subject, as if he did not consider what they had said as of much importance.

They made Lord Glenelg say in the printed report, that "his predecessors instruction had been very plain on the subject"—now it is plain that Lord Glenelg could not have said this, because it is not only false in fact, but it is not to be found in the MS. Lord Aberdeen never wrote a line on the subject of accounts, nor did Mr. Spring Rice; nor did Lord Stanley: and all that Lord Goderich ordered was just so much and no more, as would enable the House to make suggestions, and what they got under this order in 1834, and '35, was satisfactory to them.

In the 3d interview, this subject is again slightly alluded to, and from what passed at the 7th it will appear, that enough had been furnished to enable them to make the suggestions contemplated by Lord Goderich. They mention the allowance of £1000 currency, for the "indoor establishment," of the Land office and that notwithstanding this allowance, charges had often been inserted, to a considerable amount, for "incidental expences, stationary, fuel,

postage, &c." and upon this suggest, that the *gross* proceeds of the revenue should be surrendered, "that the House might bring to bear an efficient controul upon the Land department." They had also enough to suggest, that the allowance to the Presbyterian Minister at Saint John should be withdrawn. In fact they had every thing that Lord Goderich intended they should have, and every thing that they could themselves ask for, except the auditing the accounts, and the production of the vouchers. In the report, 7th interview "they proposed that the word *vouchers* should be inserted in the instructions—His Lordship replied that the instructions would require all necessary vouchers"—but he had no objection to make the amendment." At the 11th interview "they asked if the addition had been made as to the vouchers; he replied that the despatch had been sent off, but he would authorize us to say, that it was the intention of government, that the necessary vouchers should be furnished." It seems very extraordinary, that, if all this had actually passed between the deputation and Lord Glenelg, the *vouchers* should have been so completely lost sight of by both of them, when the instructions were prepared. In the letter which they wrote to Lord Glenelg dated 28th Sept. in which, "in compliance with his request they specify in what manner the accounts will be required to be made up," and which was sent down to the House by the Governor, not one word is there to be found respecting *vouchers*: neither has there been any instructions received on which the House can found a demand for the production of vouchers. Accordingly no vouchers were sent to them; of course the House make great complaints about it; but all the transactions of the late session will more properly come under consideration when we review the re-

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port of the deputation now in England. All we have now to say is, that every thing the Assembly was authorized to demand, was promptly furnished, and in the very shape in which it was asked for ; and that, with respect to the refusal of the Commissioner to send in the vouchers demanded by the House, a very satisfactory reason can be assigned for it. A few years ago a Mr. Scully, one of the Deputy Surveyors brought an action against Mr. Baillie for payment for certain duties performed by him, under his direction, and under an engagement with him as Commissioner and Surveyor General. The Attorney General who was counsel for Mr. Baillie, raised an objection, that Mr. Baillie, being an officer of the Crown, and having as such made the contract, was not liable in his private capacity. The Chief Justice over-ruled the objection, and laid it down, that Mr. Baillie is responsible in his *private capacity*, for all contracts which he may make, in the execution of the duties of his office. This being the law of the case, it becomes undeniably clear, that all those vouchers demanded by the House are Mr. Baillie's *private papers*, and necessary to protect him against demands which may be brought against him on account of engagements made by him in execution of the duties of his office, and that until he is indemnified against any consequences which may or can ensue, from his giving up those papers, no power on earth can deprive him of them.

We have now arrived at that part of Lord Glenelg's despatch of August 25, which relates to His Majesty's Councils. " 3. The Assembly next allude to the composition of the Executive Council. " They recommend, that the members of the Council should be materially increased : and express " their cordial concurrence in the views of Mr. S. " Rice, relative to the summoning to that body, some

" of the popular branch of the Legislature. 4. They
 " next allude to the composition of the Legislative
 " Council. Admitting that no great public evil has
 " yet arisen from this source, they nevertheless ex-
 " press their apprehension that, those members of
 " the Council, who hold offices under the Crown,
 " could not be expected to exercise an unbiassed
 " judgment, on the questions which might come be-
 " fore them." This subject was discussed at several
 of the interviews : at the 3d. the famous interview
 which give rise to the *suppressed* note it was intro-
 duced for the first time, Lord Glenelg then said,
 according to the report " that he could see no ob-
 " jection to enlarging the Executive Council, and
 " that it should consequently be done ; but as to the
 " question of calling some members of the Assembly
 " to that Council, His Majesty wished it left open to
 " his discretion." Accordingly they the New-
 Broomstick delegates condescended "*to leave it open*
 "*to the discretion of His Majesty.*" We thought this
 speech looked very brave, but on examining the
 MS. AS USUAL IT IS NOT TO BE FOUND. At the 7th
 interview " we informed His Lordship that on re-
 " ference to our report of his verbal answer to the
 " address (at the 3d interview,) we there found that
 " we had reported His Lordship to have said, that
 " the Council should be enlarged—and to prevent
 " mistakes we had brought with us a copy of our
 " report for your Lordship's correction. Lord Gle-
 " nelg thanked us for the report, and expressed a
 " wish that this point might remain *ad referendum*
 " until Monday when he would see us again,"—
 When Monday came Lord Glenelg postponed the
 meeting, but on the 22d returned " the original
 " minute left with him, begging to be understood
 " neither as affirming nor as contradicting the accu-
 " racy of the statements contained in that document,

"but only as respectfully declining to express any opinion on the subject." We cannot repeat too often that this note has been SUPPRESSED AND NOT PRINTED IN THE REPORT. The reason for this is, that with a design to impose upon us poor Bluenoses they make Lord Glenelg say, Sept. 14, that "he had compared, with *his own notes*, our report (on which eight days afterwards he would 'express no opinion') and found it correct." It was on Sept. 10. that they attempted to cram this paper down Lord Glenelg's throat to make him believe that on July 14, he had promised "that the Council shall be enlarged."

Now mark on Sept. 5, five days before they thrust this document upon him, Mr. Wilmot writes to Mr. Brown from London, and his letter contains the following—"The Executive Council is not ordered to be enlarged—we are doing our best to get an admission at least, of the necessity of calling to that Council persons who are connected with the great leading interests of the Province." And yet they wanted to make poor old Lord Glenelg believe that every thing had been finally settled two months before. Mr. Crane also wrote to Mr. Brown on Sept. 6, but all that he says is, "that the government do not incline to express any decided opinion on the subject of the Councils." We suppose that it is such a foul trick as this that Mr. Wilmot had in view, when he says in his letter to Mr. Brown "I have been bent on driving his Lordship into a corner." Be that as it may, we must go on. In their remarks on the draft of Lord Glenelg's despatch of Aug. 31 above quoted—they say—"The Assembly are desirous that the Executive Council should be enlarged, because, as it is now composed, a majority of its members have not the confidence of the country." Before we comment on this remark,

we shall observe that in his second despatch Lord Glenelg says " His Majesty is prepared to meet the wishes of the Assembly. You will therefore, (he writes to Sir A. Campbell) report to me the names of several Gentlemen whom you may think eligible. I am assured that there are Gentlemen of fortune in the Province, who if appointed to the Council, would from public motives attend to the duty." No doubt the delegates had in view for one, " William Crane, Esq. a member for Westmoreland ;" Lemuel Allen Wilmot, Esq. a member for York, hardly aspires to "such a getting up stairs"—the object of his aspiration seems rather to be, to supplant the gentleman whom in his letter to Mr. Brown he familiarly styles "our friend Charley," and "jump Jim Crow" without "such a getting up stairs:" though we dare say the honourable delegate will hardly care much what reward he gets for "driving his Lordship into a corner," so that to use his own expression, in his letter aforesaid he get '*a quid pro quo* as old Humbert would say." We cannot help thinking that the young gentleman is rather pleasant upon the "honorable Speaker;" and "the honorable and venerable ex-member!"

Egad ! the sarvant pleasant, said, we were a motley crew,"

"Such a getting up stairs, you never did see,
"You never did see, such a getting up stairs."

To proceed ; the delegates say in their ' remarks,' that "the Executive Council, as now composed, have not the confidence of the Conuntry? Is this the first time the Assembly has expressed a want of confidence in His Majesty's Council during the existence of the old system, when the Legislative was also the Executive Council ? Or since the introduc-

tion of the new system has His Majesty's Legislative Council or Executive always been honored with the confidence of His Majesty's Loyal Commons the Assembly of New-Brunswick? Happily there is still in existence a work styled *THE JOURNALS OF THE HOUSE OF ASSEMBLY OF NEW-BRUNSWICK*: though there are scarcely *six perfect and entire copies* of it to be found in the Province. A new edition of it ought therefore to be printed without the delay of a moment and disseminated through the country, for nothing will be found so effectual a check to the ambitious designs and unconstitutional proceedings of the demagogues of the Assembly as an extensive circulation of their own Journals, that the people whom they attempt to gull, may see how in the self same way demagogues of by-gone times have attempted to gull their fathers, and how their wicked ambitious attempts have been frustrated.— It is to these Journals that we are going to apply in order to shew that whenever His Majesty's Council would not surrender up their judgment with blind deference to the will of the reigning "Jim Crow" of the day, be the individual whomsoever he might who rejoiced to *jump* that famous character, or whenever His Majesty's Council determined to exercise, as an independent branch of a British Legislature, the power which the constitution of the country vests in them,—straightway a cry has been raised that they have not enjoyed the confidence of the Country! Let us go back to the last century.

In 1793 the House include in the appropriations of the year the following. "To the Justices in each County for the purpose of aiding and assisting in the education of youth in each Parish under the direction of the General Session £10 each Parish." Now the Council clearly saw that this grant, like many grants in these days, made to Justices in Ses-

sion, was nothing but a little popularity money, to be expended by themselves, for they most of them one way or another contrive to get made Justices, to provide against the next election. The Council requests a conference with the Assembly and state "that they heartily approve the object of the grant, "but being a new establishment and requiring numerous regulations to give it effect, recommended "that it be provided for in a separate Bill:" in the Assembly Journals it is said in addition to the above, "because the Council are not left to decide freely "on the merits of the regulations, because although "they disapproved of them they could not reject "them, without at the same time rejecting every "other article in the general money bill." The House seeing that if any regulations are introduced it would cease to be *popularity* money will not retract, "because they have no confidence in the Council" and THE APPROPRIATIONS FOR THE YEAR ARE LOST. This year Mr. R. Pagan was 'Jim Crow'—in 1795, Mr. Glenie jump'd Jim Crow.' A system of Petition, for all the world like JOHN GAPE AND OUR OWN COMMITTEE OF GRIEVANCES, was set on foot about Fees in the Courts of Justice and Public offices: and about a Bill which was to be declaratory what acts of Parliament are binding on the Province; and about Circuit Courts: and about a few coppers which the Governor had expended in batteries at Saint John and Saint Andrews, amounting in all to the enormous sum of £73 3s. 1d. Now all this was "because the House had no confidence" in His Majesty's Council, or His Majesty's Justices of the Supreme Court, or His Majesty's Representative: no nor anything above them in rank and station. So they refused the Governor the coppers, and wanted to make the Judges establish a sort of travelling court, like a circus, and wild beast pavilion,

with which they may perambulate the country, with a crier ahead blowing through 'Jim Crows' conk shell, and ready to have it pitched whenever any troublesome fellow cries out that he has a cause for trial : they wanted also to take from the Judges the power of saying what acts of Parliament are in force, making themselves Judges ; and like their successors of the present day, deprive them of their fees, and make them travel at their own expence. In this way Mr. Glenie "jump'd about, turned about" —till the whole country got mad and "jump'd about, turned about, did just so," and had no confidence in His Majesty's Council. So entirely had the Council forfeited the confidence of the House that in their wrath they thus write to Mr Knox the Province agent. "In all our endeavours to obtain "a due and equal administration of justice (dear "hearts ! this reads almost as nice as some resolutions of the present day,) we have studiously "avoided every cause of dispute with the Council " (oh ! yes the Council are always wrong, always "aggressors) and it is with infinite regret that we "feel ourselves under the necessity of observing to "you (deputations were not in fashion in those days "they adopted the cheaper, but equally efficacious "mode of sending paper) that in His Majesty's Council the Legislative and judicial powers are more "united than they usually have been in other Colonies that exclusive of several Justices of the Common "Pleas who have seats there, the Judges of the Supreme Court (so you see Mr. Simonds was not "the first 'Jim' who had no confidence in the "Judges) constitute one *third* part of the Council "when full, and frequently form a majority of that "board when sitting in their legislative capacity ; " (how wonderfully the Council enjoyed the confidence of the country, when the Judges were at

"last excluded) and that after the repeated attempts which have been unsuccessfully made by successive Houses of Assembly to have a bill passed the Council 'for regulating the times and places of holding the terms and sittings of the Supreme Court,' we despair of seeing Justice duly and equally administered in this Province without the aid and interposition of our most gracious Sovereign in this behalf"—of course either by removing the Judges, as was done a few years ago to the grief and injury of the Country, or by removing the officers of Government, and enlarging it as is now proposed because Mr. Crane and Mr. Johnston want "a getting up stairs" and all "because the country have no confidence in the Council."

We shall not dwell upon the lengthy dispute which prevailed between the Council and Assembly about the "*Members pay*" during the years 1795, 6, 7, and 8, all arising from the want of confidence in His Majesty's Council felt by the Assembly, because the different occurrences are well known, and because the same individual "jump'd Jim Crow" throughout: except to quote a passage from a published speech of Mr. Glenie's, at the election in 1796. "If, says he, a vigilant opposition has ever been found necessary in the House of Commons, it must certainly be doubly requisite here, where from the Councillors holding their seats only during pleasure, and from the Judges having seats therein who are liable to be dismissed at a moment's notice, and from the Council being Executive as well as Legislative, two branches of the Legislature are in a great measure thrown into one scale:" wherefore Q. E. D. the Country have confidence in the Council.

We shall pass on to 1810, without noticing several occurrences in the intermediate period. In that

year a long discussion took place between the Council and Assembly on the "Small debt" bill.—The Council proposed some amendments to the bill passed by the House, and to use Mr. Wilmot's phrase, had got the Assembly "into a corner:" after a great resistance they send up the Bill with a resolution, and to shew that "the House have no confidence in the Council" send their message by only one member; upon which the Council sent it and the resolution, back again. The next day the Bill is sent up stairs in the usual way—but the House have expressed, in a very significant manner, that they have no confidence in the Council.

In 1817, some petitions were sent up from Charlotte county against the Crown reserves in that and other counties; and again in 1818 and 19. In 1819, the subject was taken up by the House at full length, who appointed a committee to examine into the matter and report. Of course they find abundant ground for having "*no confidence in the Land Department,*" and resolve that a humble address should be presented to the Prince Regent praying that the reserves be taken off. They also request the Council to join them in the address. The Council, however, resolve that they cannot join the Assembly in the proposed address, being of opinion, no doubt, that there was land enough in the country for every body and for all sorts of purposes—of course the House and country have no confidence in the Council.

In the next year, Feb. 22, the story of an address to the Prince Regent was revived, but having no confidence in the Council, the House do not invite them to join in it. The address was transmitted by the Governor to the Secretary of State, whose answer was sent to the House Feb. 7, 1821. At last Lord Bathurst's final answer dated May 31, 1821, is sent down Feb. 27, 1822, in which he says

" His Majesty does not feel that he can accede to
 " the wishes of the Assembly, or generally abandon
 " the Reserves for the purpose of allotting them to
 " settlers, without much risk of future public incon-
 " venience." So after a protracted discussion of
 five years a question is settled, which need never
 have been agitated, if the House *had had any confi-*
dence in His Majesty's Council, or the Land De-
 partment.

In 1819, March 8, the House vote an address to
 the Governor, stating " that they have learnt, with
 " surprise and regret, that bonds are taken at the
 " Land Office for one shilling per ton on all licences
 " to cut and manufacture Pine Timber, which
 " measure must prove highly injurious, and if per-
 " sisted in ruinous to the timber trade, and praying
 " him to inform the House if any recent instructions
 " have been received from His Majesty's Ministers,
 " requiring such bonds to be taken, and to what
 " purposes the large sums arising therefrom are to
 " be appropriated." The answer of the Governor
 sent down March 11, states that " in consequence
 " of representations made to Government, of the
 " great and unwarrantable destruction in His Ma-
 " jesty's woods, positive orders had been issued
 " forbidding any licence to be granted for cutting
 " timber, but under the sanction of the Governor—
 " which orders he communicated to the Council ;
 " who after deliberate consideration, arranged and
 " recommended a system, which in their opinion
 " might effectually prevent the recurrence of similar
 " mischief in future. The shilling per ton forms
 " part of that system, which has been transmitted
 " for the consideration of His Majesty, and bonds
 " have been taken to secure the payment of that
 " sum, in case it should eventually be demanded."
 Of course the House have no confidence in the

Council, such a thing was not to be expected in the course of nature. Accordingly they denounce the measure, as they do every thing else, "as injurious, not contemplated by His Majesty's Instructions" &c. &c. For thus "animadverting in terms of strong reprobation upon the conduct of His Majesty's Executive Government," they get a rap over the knuckles from the Governor, and are dissolved. This strong measure if it failed of inspiring them with confidence, succeeded in impressing them with *dread* of His Majesty's Council, for in 1820 the matter was not mentioned. But March 6, 1821, Mr. Agnew moves, whereas the House have no confidence in His Majesty's Council, and "great anxiety" prevails throughout the country, with regard to "the Bonds for the shilling duty—" an address to "the Governor be presented praying him to inform "the House whether any instructions have been "received, and whether it is the intention of His "Majesty's Government to enforce the bonds."— The answer was that no instructions had then been received: but in answer to another address, the Governor promises "to recommend to the favourable consideration of His Majesty's Ministers the "cancelling of the bonds." The subject is revived in 1822, and an extract of a despatch from Mr. Goulburn is sent down, from which it appears that "Lord Bathurst is desirous of receiving a statement "of the total amount of the bonds in question."— The House having no confidence in the Executive ask for the amount of the bonds, and the Governor answers that "the matter being under the consideration of His Majesty's Ministers he cannot comply "with their request." Then the House as usual having no confidence in the Executive resolve to address his Majesty. After this another order issues from the Land office which occasions a further want

of confidence—the duty is ordered to be paid before the Licence is granted. Straightway an address is moved to the Governor, who replies that this has been done “under new regulations adopted in Council.” The address to the King having been passed, they pray the Governor to transmit it, he replies—“notwithstanding I consider the address as “irregular, not having received the sanction of the “Council, I shall transmit it, but I shall consider it “my duty to accompany it with my own observations, and those of His Majesty’s Council.” Lord Bathurst’s answer dated July 6, 1822 was sent March 20, 1823—“I shall recommend the documents to the immediate consideration of the Treasury—I concur generally in the opinions stated in “the report of the Council.” Here was the end of this long ditty.

In 1831 we have a very striking instance of want of confidence in His Majesty’s Council, with respect to the Dissenter’s Marriage Bill. We shall leave the House to describe the matters in their own words, in their petition to the King. “Your Majesty’s faithful Commons have for several years in “succession passed a bill to extend the privilege of “celebrating marriage to Dissenting Clergy, but for “reasons unknown to your Petitioners such bills “have not been concurred in by the other branch “of the Legislature. Your faithful Commons, “therefore, pray that your Majesty will be pleased “to give instructions to the Administrator of the “Government to recommend the Legislature to pass “such Bill as he may deem proper to obtain your “Royal sanction, or otherwise, as your Majesty may “deem meet.” This is rich and good! what a want of confidence in His Majesty’s Council! how consistent too! Upon what ground is it, that the holders of office under the Crown are in future not to

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be admitted into the Legislative Council ? Is it that room may be left for Mr. Crane and Mr. Johnston ? Oh ! no. It is because "they could not be expected" to exercise an unbiassed judgment on the questions which come before them : "because their holding office "tends to detract from "its weight "as an independent branch of the Colonial Legislature." These are the reasons assigned by Lord Glenelg, and yet here we have an instance, and this not a solitary one, another is to be found in this very article, of the Assembly influenced by their want of confidence in His Majesty's Council, actually calling upon His Majesty to assist them in annihilating the independence of the Council, and in making them what they are not, and by the constitution are intended not to be—the mere servants of the Crown.

Since this period several instances of a want of confidence have occurred, but we stop here, because we wish to confine our investigation to the period which was anterior to the division of the Councils. We might have enlarged the number of instances "of want of confidence," if we had a complete set of Assembly Journals. For want of the Journals for certain years, we have been obliged to pass over several interesting occurrences, and confine ourselves to those which, with our imperfect materials, we could trace throughout. For ourselves, we must candidly admit that our confidence in His Majesty's Council was never shaken till the late Session : we then had an instance of how difficult it is, for a Council however composed to maintain its ground against both the Minister and the popular branch of the Legislature. Convinced as we are of this, the more do we admire the virtue and moral courage of that Individual who under a conviction that he was right in so doing, boldly opposed himself to the Minister, the Council, the Assembly, and the whole power of the Democracy.

The course of our review of this document has brought us to Lord Glenelg's No. 5, viz: the terms on which "His Majesty has been graciously pleased" to consent to the surrender to the Assembly the "Revenue at the disposal of the Crown, from whatever source derived, including the payments of the Nova-Scotia and New-Brunswick Land Company, in return for a Civil List. 1st, the Appropriation of the Assembly is to be exercised, not over the gross, but over the *net* amount: 2nd, the established usages of the House of Commons, with regard to the appropriations of the surplus of the Consolidated Fund shall be assumed by the Assembly. The amount of the Civil List is to be £14,000 sterling." Two of these particulars can be quickly discussed.

It appears that the Delegates tried very hard to get the amount reduced, and after a few additions and subtractions had been proposed and acceded to, it was finally fixed at £14,500 currency. To justify their having agreed to so large a sum Mr. Wilmot in his letter to Mr. Brown writes—"they have a large sum of money which we wish to get, and if we give them a little more than we think they ought to have—we must consider it a *quid pro quo* as old Humbert would say,—A SMALL PRICE FOR A GREAT INCREASE OF POWER."!! They tried hard to persuade Lord Glenelg, that the sum proposed by Lord Stanley was stated in *currency*: but in this letter, Mr. Wilmot writes, "we found ourselves in a great mistake about Mr. Stanley's £14,000 being currency—*Mr. Crane ought to have known better—however so it is.*" They succeeded, however, in keeping Lord Glenelg in the dark as to the rate of the dollar, never giving him to understand that most of the charges are paid at the rate of 4s. 4d. sterling. In addition to the proof of this in our former articles

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—in his letter to Mr. Brown, Mr. Wilmot repeats his observation on Lord Glenelg's despatch p 20 of the report, "that the charges being £18,393 stg. £15,000 currency, would leave a surplus of £119": £13,393 stg. in dollars at 4s. 6d. is £14,881 currency, and does leave a surplus of £119. Having already designated this part of the business as fraudulent, we need say no more about it now, but proceed to the second qualification.

But before we can, with proper effect, bring this part of the play before our readers, we shall have to call their attention to a few *facts and figures* as Mr. Wilmot says. We mean to point out the evils which attend the mode of appropriation at present in use in our Legislature, and then the superiority of that, the adoption of which, His Majesty makes the second qualification on which he consents to surrender the Crown Revenues. In order to this, we have collected all the appropriations of the last session, and arranged them under different heads, in order to shew the amount granted for each particular branch of the public service! We wish to notice one fact, which is, that *the expences of the Legislature are one seventh part of the whole Revenue of the Province, and actually amount to TEN THOUSAND FIVE HUNDRED POUNDS !!!*

APPROPRIATIONS MADE DURING THE LAST SESSION OF THE PROVINCIAL LEGISLATURE.

SCHEDULE A. LEGISLATURE.				
The Speaker, C. Simonds, Esq.			150	0 0
32 Members, 72 days, 15s. per day each,			1950	19 6
2 Chaplains, Rev. G. Coster and J. Somerville, £25 each,			50	0 0
2 Sergeants at Arms, Jouett & Clopper, 72 days, 20s.			144	0 0
2 Clerks, Peters & Wetmore,			400	0 0
2 Clerks assistant, Gregory & Leo,			200	0 0
3 Door Keepers, Watts, Brannen & Harned, 12s. 6d.			135	0 0
5 Messengers, Payne, Braunen, Biggs, Parker, Brannen, jr. 10s.			175	0 0
1 Master in Chancery, Putnam & Miller,			40	0 0
1 Hall Keeper, Watts,			10	0 0
1 Chairman of Committee of Accounts, Partelo			150	0 0
Sheriffs of York and Westmoreland, for holding Elections,			50	0 0
2 Deputies to England, Crane & Wilmot,			1850	0 0
Contingent Expenses of the Session, Council,	540	1	5	
" House,	1499	0	7	
			2029	11 0
Printing, Simpson, Journals,	225	1	1	
" " do.	275	0	0	
" " do.	150	0	0	
			680	1 1
" " Laws,	504	10	0	
" " do.	150	0	0	
			654	10 0
Advertising in Royal Gazette, do.			135	2 0
Making Index to Laws, Gregory,	10	0	0	
" " Berton,	150	0	0	
" " Journals, Wetmore,	175	0	0	
			335	0 0
Binding Laws,			85	0 0
Fitting up and enlarging the House of Assembly,	722	17	6	
" Council Chamber,	500	0	0	
			1222	17 6
			£10,457	1 1

SCHEDULE B. REVENUE.				
Province Treasurer, late R. Simonds,	210	0	0	
B. Robinson,	390	0	0	
			600	0 0
do. for Clerk Whiteside, for 1836,	200	0	0	
do. do. do.	50	0	0	
do. do. from Jan. to May 1836,	88	16	4	
			338	16 4
do. Messenger Humbert,			150	0 0
Contingencies Simonds, to May	75	7	10	
Robinson, from May,	64	15	0	
			140	2 10
Tide Waiter Abrams,	91	5	0	
Surveyor & Guager Chaloner,	225	0	0	
			316	5 0
Tide Surveyor & Guager at St. Andrew's, Jack,	-		174	0 0
West Isles, Jouett,	-		152	1 6
Miramichi,	-		80	13 3
Sub Collector Bathurst & Restigouche,	-		40	0 0

Woodstock, Dittles,	7	10	0
Vote of credit for protection of the Revenue,	500	0	0
Exclusive of Commission to the Deputy Treasurer, say £1000	£2,499	8	11

SCHEDULE C. LIGHT HOUSES.				
Keeper of Gannet Rock, 165, P. Lepreaux & Thrum Cap, 100 ea.	365	0	0	
Contingencies,	500	0	0	
Campo Bello, 120, Machias Seal Is. 130, St. Andrews, 30,	280	0	0	
Contingencies,	500	0	0	
Partridge Island & Beacon, 100 each, Contingencies, 200,	400	0	0	
Cape Sable, 200, Brier Island, 100,	300	0	0	
<i>L. Donaldson, for services hitherto rendered by the reduction on consumption of Oil, & the improved construction of the Lanterns,</i>				
	50	0	0	
	£2,395	0	0	

SCHEDULE D. PACKETS & COURIERS.				
Digby Mail, Whitney,	150	0	0	
Courier, Hopewell & Westmoreland Road,	40	0	0	
Bathurst & Shippegan,	30	0	0	
St. Martin's and St. John,	30	0	0	
Gagetown and Nerepis Road,	30	0	0	
Pockmouche & Miramichi,	50	0	0	
Fredericton & Newcastle,	100	0	0	
Coach, do. do. per annum,	100	0	0	
Removing snow drifts on Nerepis Road,	10	0	0	
	£540	0	0	

SCHEDULE E. LAW SALARIES.				
H. M. Attorney General, Hon. C. J. Peters,	100	0	0	
" Solicitor General, Hon. G. F. Street,	50	0	0	
Clerk of the Crown, C. S. Putnam,	100	0	0	
Usher of Supreme Court, Watts,	10	0	0	
	£260	0	0	

SCHEDULE F. EDUCATION.				
Parish Schools, vote of credit for	7,000	0	0	
Grammar Schools, St. John,	150			
do. Westmoreland, King's, Kent, Queen's,				
Charlotte, Northumberland,				
Gloucester, 100 each,	700			
do. Newcastle,	50			
	900	0	0	
Madras Schools,	500	0	0	
Baptist Seminary, Fredericton,	500	0	0	
Catholic School, St. John,	100	0	0	
Free School,	100	0	0	

Infant School, "	25	0	0
Girls free School, Fredericton,	20	0	0
Rebuilding Little Harbour School House, Gloucester,	15	0	0
Elizabeth Briscoe, 10, Josiah Freeze, 20,	30	0	0
David Lynch, 10, Thomas Crawford, 15,	25	0	0
Samuel Walter, 20, Matthew Carruthers, 16 13 4,	36	13	4
John A. Boyce, 20, Michael M'Girr 20,	40	0	0
David Sadler, 10, Hannah Rodgers, 10, Wm. Babb, 10,	30	0	0
William Brannan, 20, Jane Danford, 20,	40	0	0
James F. Kelly, 20, Jane Davidson, 10,	30	0	0

£9391 13 4

SCHEDULE G. PUBLIC BUILDINGS.

Government House for Repairs,	1000	0	0
House of Correction at St. John,	1000	0	0
Gaol at Fredericton,	500	0	0
" Bathurst,	300	0	0
Breakwater at Saint John,	500	0	0
Wharf at Bay de Verte,	50	0	0
" Falls, St John,	12	1	0
" Gagetown,	30	0	0
Emigrant Building at Patridge Island,	250	0	0

£3642 1 0

SCHEDULE H. MILITIA & DESERTERS.

Inspecting Field Officers, Lt. Cols. Turner & Allen, 200 ea.	£400	0	0
Adjutant General, Shore,	75	0	0
Quarter Master General Major Gallagher,	50	0	0
Adjutants & Sergeant Majors, 15 & 7 10 each,	552	10	0
Deserters. Vote of Credit,	100	0	0

1,277 10 0

SCHEDULE I. CHARITABLE PURPOSES.

Widows M' Rae 20, Banks 20, Kennedy 10, Rickets, 10,	60	0	0
" M' Cardy 10, Lugrin 25, Baird 10, Cleary 20,	65	0	0
" Charity, Williams 10, Wm. M'Indee 20,	30	0	0
Soldiers, Whitehead 20, M'Fee 10, Lyon 10, Underwood 10,	50	0	0
" Harley 10, Sinnet 10, M'Donald 10, Bruce 10,	40	0	0
" Baldwin 10, Dunlop 10, Akerman 10, Flint 10,	40	0	0
" Bonnell 10, Ferguson 10, Turner 10, Dennison 10,	40	0	0
" Madget 10, Groom 10, Adams 10, Clarke 10,	40	0	0
" Keech 10, M'Pherson 10, M'Kenzie 10, Ross 10,	40	0	0
" Kennedy 10, Van 10,	20	0	0
Sufferers by Great Fire at St. John,	1000	0	0
" by failure of Crops in Gloucester, 400			
" Kent, Westmorland & Carleton, 300 ea. 900			
" Northumberland 250, King's 150,	400		
" York, Queen's, Sunbury, Charlotte 100 ea. 400			

2,100 0 0

3,585 0 0

SCHEDULE K. RELIGIOUS PURPOSE.

Roman Catholic Missionary to Indians, . . . 50 0 0

SCHEDULE L. RELIEF TO SHIPWRECKED MARINERS.

Paul's Island, Abrams, . . . 50 0 0

Seal Islands, Crowell, . . . 20 0 0

Paul's Island Commissioners, . . . 170 12 4

£240 12 4

SCHEDULE M.

ROADS & BRIDGES.

Great Roads.

Newcastle to Restigouche, . . . £2,750

St. John " Nova Scotia Line, . . . 1,800

" " St. Andrew's, . . . 1,250

" " Fredericton, (Nerepis) . . . 800

Nerepis " Gagetown, . . . 200

Dorchester Shediac, . . . 175

Bend " " . . . 200

Richibucto " . . . 900

" " Chatham, . . . 450

Fredericton Finger Board, . . . 600

St. John " Bellisle, . . . 125

Fredericton Newcastle, . . . 3,500

" " Canada Line, . . . 2,000

" " St. Andrew's (Connick's) . . . 150

Woodstock Houlton, . . . 250

Connick's " St Stephen's Bridge, . . . 150

St. John " Hopewell, . . . 200

Loch Lomond Sussex Vale, . . . 200

Oromocto " Gagetown, . . . 150

15,800 0 0

Bye Roads.

Sunbury, . . . 775 0 0

York, . . . 1,400 0 0

Westmoreland, . . . 1,600 0 0

King's, . . . 1,500 0 0

Carleton, . . . 1,400 0 0

Charlotte, . . . 1,550 0 0

Northumberland, . . . 1,475 0 0

St. John, . . . 1,100 0 0

Queen's, . . . 1,300 0 0

Gloucester, . . . 1,125 0 0

Rent, . . . 900 0 0

14,125 0 0

Cape Enrage to Salmon River, . . . 10 0 0

West Isles, . . . 25 0 0

35 0 0

Explorations.

Jemseg to Salmon River,	11	2	6		
Woodstock to Oak Bay,	200	0	0		
Fredericton to St. Andrew's,	250	0	0		
Nerepis to Magagaudavic,	25	0	0		
M'Lauchlin Road to Richibucto,	100	0	0		
				586	2 6
Street. Union in St. John,				500	0 0
Damages. for Land on Great Road to Canada,				540	0 0
				31,586	2 6

SCHEDULE N. IMPROVEMENT OF RIVERS.

Tobique 600, St. Croix and Magagnadavic 75,	750	0	0
Miramichi, Upsalquitch & Hammond, 100,	300	0	0
Tantamar 150, Bathurst Harbour 300,	450	0	0
Dredging Machine,	750	0	0
EXPLORATION—ST. JOHN 50, GRAND LAKE, 17 16 4,	67	16	4
	2,317	16	4

SCHEDULE O. DRAWBACKS & BOUNTIES.

Destruction of Bears, (Vote of Credit)	300	0	0
Passenger money returned Clarke, 20 19 2, Feneron, 25 17 6,	48	10	8
Wilson, 11 12 6, Rankin, 8 13 4, M'Cannoon, 32 8 4,	52	14	2
Rankin, 29 14 2, Barlow, 26 11 8,	56	5	10
Wine & Flour for Troops, 43d. Regt. 144 14 7, Flaherty, 15,	159	14	7
Hay at Miramichi, Cunard,	46	12	0
Light Money, Royal Tar, Hammond, 33 11 0, do. 25 16 0,	64	7	0
Out Mill, Moran,	50	0	0
Steam Engines imported, Whitney,	212	17	4
Rum exported, Gilnour, 7 19 0, Chipman, 29,	36	19	0
Goods in transitu, Gray,	6	5	0
Duties returned on Goods destroyed in the Great Fire,	1,032	11	7
Hammond 877 16 8, Street & Ranney 604 12 1, Wiggins 16 17 4,	1,499	6	1
Robertson & Hatton 210 17 7, Walker 343 15 2, Crookshank 54 8 6,	509	1	3
Tilton 120 7 9, M'Lauchlin 41 5 2, Leavitt 2 14 0,	164	6	11
Holman 4 7 6, Cock 4 2 6, Knowles 1 2 11,	9	12	11
Hanford 15, Chadwick 24 4 2, Potter 20 0 9,	59	4	11
Scammell 29 2 0, Harris 8 15 6, Scammell 9 6 0,	47	3	6
Burns 8 17 0, Greenwood 10 19 6, M'Conkey 3 9 3,	23	5	9
Nicholson 1 19 11, Robertson 14 12 7, Keator 22 17 0,	39	9	6
Kinnear 54 1 7, Thorne 15 5 3, Broad 27 8 5,	96	15	2
	£3,580	0	0

SCHEDULE P. EMIGRANTS, BLACKS, & LUNATICS.

Emigrants. Fredericton Alms House Commissioners,	15	9	0
" St. Andrew's Commissioners,	443	0	0
" Justices of St. John,	1,218	4	9
" Ditto for Portland,	217	19	0
" St. George's Overseers,	64	2	3
Blacks. Justices of St. John,	87	9	2

Lunatics.	Maintenance of,	600	0	0
"	Commissioners for Asylum,	50	0	0
		<u>£2,696</u>	<u>4</u>	<u>11</u>

SCHEDULE Q. MISCELLANIES.				
Fire Insurance Company Interest,		600	0	0
Vaccine Institution, J. Boyd, M. D.		20	0	0
Civility Money to Matthew Brannen,		15	0	0
Alexander Wedderburn for his Statistics,		100	0	0
COL. ALLEN, WYER & OTHERS, EXPENCES OF EXCURSION TO GRAND MANAN,		105	13	2
Apprehending Dempsey,		112	2	6
Woodstock Coach Company, Col. Ketchum,		175	0	0
Delegates, for Cattle imported by		960	12	2
Province Agent, Mr. Bliss, 200 stg.		240	0	0
Reuben Styles, Deputy Surveyor,		14	0	0
		<u>£2,342</u>	<u>7</u>	<u>10</u>

Appropriations made in 1837 arranged under different heads.

SCHEDULE.	OBJECT.	NOT CONCURRED IN BY THE COUNCIL.		
A.	Legislature,		£10,457	1 1
B.	Revenue,		2,499	8 11
C.	Light Houses,	50 0 0	2,395	0 0
D.	Packets and Couriers,		510	0 0
E.	Law Salaries,		260	0 0
F.	Education,	651 13 4	9,391	13 4
G.	Public Buildings,		3,642	1 0
H.	Militia & Deserters,		1,277	10 0
I.	Charitable purposes,		3,525	0 0
K.	Religious purpose,		50	0 0
L.	Relief of Shipwreck'd Mariners,		240	12 4
M.	Roads and Bridges,	500 0 0	31,586	2 6
N.	Improvement of Rivers,	67 16 4	2,317	16 4
O.	Drawbacks & Bounties,	346 4 2	3,580	17 7
P.	Emigrants, Blacks and Lunatics,		2,696	4 11
Q.	Miscellanies,	105 13 2	2,342	7 10
		<u>£1,721</u>	<u>7</u>	<u>0</u>
Inserted in the Contingent Bill,		173 9 6	1,547	17 6
			<u>£75,253</u>	<u>18 4</u>

Total of Appropriations made by the Legislature
in the Session of 1837, £75,253 18 4.

The 14 items in Italics were those rejected by the Council, the 3 in small caps.
those which, after having been rejected by the Council, were inserted in the
Contingent Bill of the Assembly.

REMARKS ON THE APPROPRIATIONS OF THE LAST
SESSION.

Schedule A.—Legislature.

SPEAKER AND MEMBERS, £2,100 19s. 6d.—This item is monstrous; two years ago the whole expense of the Legislature, Council and Assembly, Officers, Contingencies, &c. &c. was only £3,267! what an increase in so short a time! It may, perhaps, be said that it is owing to the unprecedented length of the Session: but was that length of Session necessary? certainly not: and if the members were now paid as they used to be, and *if paid at all*, as they ought to be, they would have found a way to shorten it; all the necessary business of the Country, did not occupy thirty days. But when they are paid fifteen shillings a day, sit as long as they choose, can we wonder at their making a long sitting of it, when most of them could not earn half the money at any other business. Before we have done we will point out a way in which the business may be transacted in half the usual time, and if by that means two or three thousand pounds can be saved, the suggestion must be worth consideration.

CHAIRMAN OF COMMITTEE OF ACCOUNTS, £150.—This is a grant objectionable upon principle. The duty performed by Mr. Partelow, during the recess is trifling; and certainly fifteen shillings a day is compensation enough for his services during the session, particularly as he holds a public office, for the duties of which he is well paid. Besides in 1835 the sum allowed was only £100, which most people considered as far too much: last year the same sum was allowed, with an additional £50 for auditing the late Attorney General's accounts. This year because he made himself very busy and useful in drafting resolutions, preparing the Delegates report for presentation to the House, and for the Press, framing

and moving addresses, &c. they made the grant £150 though no extra accounts were audited ! The Council would have looked at this, but from dread, lest it should have produced a *scene* !

DEPUTATION TO ENGLAND, MESSRS. CRANE & WILMOT, £1,850.—How the Council can justify their concurrence in this resolution, passes the comprehension of every body. And why was part of Mr. Cunard's protest expunged ? Can any thing be conceived more monstrous than giving £500 a piece to these two delegates above their expences ? Really what with £2,100 for their days' pay and travel £500 to one, £500 to another, £150 to a third, and £200 to a fourth, &c. the wonder is, that there was any thing left at all for any public purposes !

CONTINGENT BILL, *Council* £540 1s. 6d., *Assembly* £1,499 9s. 7d.—This is really *tremendous* ! In 1814 the Council Bill was £247 8s. 1d. and then Mr. Simonds moved that it should not be allowed, the House not having been furnished with the particulars, and it being greater in amount than at any former period. This year the Council stationary is charged £190 18s. 11d., and the whole bill is more than double the amount of the Bill of 1834 : while that of the Assembly is six times as much. Surely when the Members of Assembly are making such an outcry about accounts being presented in *gross* and not in detail, about vouchers being withheld, and about mystery and concealment ; it does not look well, especially when the Council give a bill of particulars, to see them putting in a lumping charge of £1500 without a single item stated. Strange reports are afloat respecting the said contingent Bill, and as we have never minced matters much hitherto neither shall we do so now. We therefore tell Mr. Weldon, the Chairman of the Committee for examining the Bill, and we tell the Country too, that that Bill con-

tains charges that the House *dared not exhibit to the Council*, and which they dare not show to the country either ! We speak advisedly when we say so. We may as well say to the Council that if they again concur in the resolution for paying a Contingent bill, so long as there is mystery and concealment with respect to the particulars, the country will draw from their doing so an inference not creditable to the independence of the Council.

FITTING UP THE HOUSE OF ASSEMBLY, £722 17s. 6d. With respect to this item there was good ground for objection to it on the part of the Council upon *principle*. The House appointed a Committee of their own to enlarge and fit up their House ; they fixed no limit to the expence and designedly omitted to furnish them with funds. As in the matter of the Deputation while money was in the Treasury, they obtained money at the Central Bank, and the Province is charged £21 *for interest on advances*. This Committee even go to the unjustifiable length of paying for a plan ordered by other Commissioners, upon which also the Central Bank charges a commission—as if the person employed could not wait, as other people have to do, to get his money by a separate resolution. The Committee in express terms in their report condemn the present mode of appropriation. “ They got the work done upon much more favourable terms than would have been the case had the parties been compelled to await payment in the ordinary mode by appropriation at the present Session.” The Council should keep a vigilant watch over these gross irregularities ! depend upon it, if there is not a juggle in this business, there is good ground for suspecting one ! It may be said, these are mere trifles—but look at the gross amount £10,500—it is really quite tremendous !!

Schedule B.—REVENUE.

Treasury Clerk, Mr. Whiteside,	£200	0	0
"	50	0	0
"	88	0	0
	£338	16	4

It is certainly most extraordinary, that the Council should have concurred in these three resolutions.

In the Schedule of salaries which they recommend to Lord Glenelg for the Civil List Officers, they fix the salaries of the Clerks in the Provincial Secretary's office at £150 each, and here they grant to the Treasurer's Clerk, more than *double* that sum! Both cannot be right, one must be too much, or the other too little!

Treasury Contingencies,

Mr. Simonds, 4 months,	£75	7	10
Mr. Robinson, 8 "	64	15	0
	£140	2	10

These items look rather odd, the charge for eight months being less than that for only half the period.

It is again surprising that the Council should charge £190 for their own Stationary, and allow £140 for Treasury contingencies, and yet recommend an allowance for the Provincial Secretary, Stationary and Forms, of only £100. One would think that an office with *three* clerks, would require more stationary than one with only *one* clerk.—There is an inconsistency somewhere!

TREASURY MESSENGER, MR. HUMBERT, £150.—When Mr. Humbert, and his son, were both members of the House, a sufficient, though not a satisfactory, reason was always assigned for granting so large a salary to this officer: but as Mr. Humbert is no longer a Member of Assembly, there can be no

reason why the Treasurer's Messenger should have a salary, as large as that recommended by the Council, for the Clerks in the Secretary's office.

Schedule C.—LIGHT HOUSES.

L. DONALDSON, FOR SAVING OIL, AND IMPROVING LANTERNS, £50.—The House probably wanted to shew their gratitude to Mr. Donaldson for the highly valuable services which he rendered them, in the matter of the petition for the removal of the Governor, so they booked him for £50. Unfortunately the House bungled the business: such a grant ought to have been put into the Contingent Bill, along with Mr. Blatch's £100—and £105 for an excursion which Mr. Donaldson, Mr. Ward, Mr. Barlow, Mr. Allen & Mr. Wyer took to Grand Manan; they ought not to have assigned as the service that the Blacksmith had made good lanterns and reflectors, so that less oil was consumed. This was too barefaced, so the resolution was not concurred in by the Council. Next year they must put it into the Contingent Bill!

Schedule F.—EDUCATION.

NEWCASTLE SCHOOL, £50.—Why is the province charged with this amount? Because Chatham and Newcastle are always quarreling! It is a pity those places cannot be made to agree, it would save a good deal of time and public money!

BAPTIST SEMINARY, Fredericton, £500, CATHOLIC SCHOOL, St. John, £100.—Next year the Baptists must take a hint, and shape their course differently, and apply not for a grant *openly*, but for a sum to be granted to the Justices in Session for a school in Fredericton, *independent of the Madras School* and Collegiate School, to be expended by a Committee of Justices being members of the Assembly, and it

will pass the Council ! Should there be a difficulty in finding a sufficient number to form a committee. Messrs. Simonds, Johnston and Robinson, the committee for giving the £100 voted for a free school in St. John to the Catholic Priest will do, to make up the number.

15 Grants to Teachers of Parish Schools, £231 13s. 4d.—Pretty well this in addition to £7000 granted for Parish Schools, especially as with some of the persons this special grant *is over and above the salary allowed by law*. This year the Council appear to be very kind—Josiah Freeze had petitioned in the two previous Sessions for teaching a school in 1828, 9 ; the House had complied with his prayer and passed the resolution, but it had been rejected by the Council : this year they concur in it ; why—nobody knows ! Both houses ought to adopt some plan for putting a stop to these petitions from School teachers : the Journals of both Houses are getting very bulky, and the printing of them costs £700 a year : as a large portion of them is filled with these petitions they become very expensive. There are no less than 27 entries on the Journals on account of Freeze's grant alone, which must have cost the country, quite as much as the amount granted. Out of the 15 Grants, only four were not concurred in by the Council.

Schedule H.—MILITIA.

"Colonel Allen, an old and meritorious Officer, the sum of £200 in full for his services as Inspecting Field Officer."—On this grant the Committee divided 18 to 6, so it was carried in the affirmative. This is without any question the most unprincipled grant made during the Session. It is well known that there is a law of the Province, which allows the Adjutants £15, and Sergeant Majors £7 10. On

the first day on which the House went into Committee of Supply, a resolution was proposed for granting money to pay these Officers, and it was rejected: the members who voted for setting a resolution of the House above the Law being, Messrs. Simonds, Burns, Connell, Freeze, Gilbert, Palmer, Rankin, Stewart, Hannington, Partelow, J. M. Wilmot, Woodward, Morehouse, Hill, Clinch.—Some time after this Mr. Partelow, as Chairman brings in the report of the Select Committee on the Militia, wherein he distinctly states that “*the services of the Inspecting Field Officer have been dispensed with;*” still on that very same day, a vote is passed in favor of Col. Turner, to cover any loss he may have sustained. For this there is the shadow of an excuse; but on Feb. 23, a grant is made in favor of Col. Allen for £200 “*in full for his services as Inspecting Field Officer*” when the Committee had reported, that *his services had been dispensed with, and when in fact no duty of any sort had been done.* It is very remarkable that Messrs. Stewart, Hannington, Partelow, J. M. Wilmot, Woodward, Morehouse, Hill, and Clinch, all voted for the £200 to Col. Allen for doing *nothing*, and voted against paying the Adjutants and Sergeant Majors who *had done* the duty according to law and had earned the money. The next day the grant to those officers was again moved, and for the credit of the Province carried; those who voted against it, being Messrs. Simonds, Palmer, Burns, Morehouse, Connell, Freeze, Gilbert, Hill, Clinch, Woodward, and Partelow. We here see that after having voted for £200 to Col. Allen for *doing nothing*, the next day Messrs. Partelow, Woodward, Clinch, Hill, and Morehouse, had the baseness to vote against the honest legal claim of the Adjutants and Sergeants Majors, *for a compensation allowed them by law.* But Col. Allen is an hon. Member for

York, and will have a vote next Session, in the grant of £150 to the Chairman of the Committee of Public and Private accounts !!!

Schedule 1.—CHARITABLE PURPOSES.

The list of old soldiers is increasing very rapidly, and considering how much of the Journals, their petitions occupy and how much time the business consumes which this year cost the Province £20 an hour, it is a very expensive mode of relieving these *meritorious* old soldiers, and their equally *meritorious* widows, doubtless all of them quite as *meritorious* as Col. Allen, who gets 200*l.* while they get only 10*l.*

Schedule N.—RIVERS.

The grants for rivers contain two items which deserve some consideration. Last Session the House took into their heads to do a little EXECUTIVE ; rather more than usual ; and appointed two Committees, not of their own members for which there might be some excuse, but of *persons not having seats* in their honourable House. One of the committees was to explore the River St. John about the Tobique, and the other the mouth of the Jemseg. A grant was made of 50*l.* for one, and 17*l.* 16*s.* 4*d.* for the other. The services not having been performed by competent authority, the Council would not concur in the grants. The House are then guilty of a gross breach of the confidence reposed in them by the Council, by actually putting these two items, with another of a similar description, into the contingent Bill ! and the Council either unsuspecting of so much trickery, or unwilling to notice it for fear of a repetition of the scene in 1835, passed the bill with these three rejected items in it.

We ask, after this, what does the revision of the grants by the Council amount to ? The Contingent Bill into which the Council and the country, are not allowed to look, in which is wrapt up in mystery and concealment, will be a receptacle for every

thing. These observations will also apply to
Schedule O.—MISCELLANIES.

Last year the Assembly, by way of doing a little more EXECUTIVE appointed Messrs. Ward, Barlow & Donaldson a committee to inquire into the Grand Manan Fisheries, and associated with them Messrs. Allen & Wyer members of their honourable House. In September last they chartered a vessel, laid in ample stores and off they set ; spent a day or two, and back they came, with two reports (not, we hope like a Delegate's report made of whole stuff) but quite as worthless, and a bill for the expences of 105*l.* 13*s.* 2*d.* This the Council very properly refused to pass, because the House have no *constitutional right to appoint any such committees.* The House thinking that it would be a great pity, that those gentlemen should pay for the good things which they ate and drank, or that Mr. Barlow should not get paid for his advances, slyly popped it into the Contingent bill, rightly judging that the Council, with *misplaced* delicacy would not look into it ; and so it passed ; and so the country is to be taxed to pay 105*l.* for an excursion to Grand Manan by five gentlemen (who of course charged *nothing* for their time) and who brought back a report, for the printing of which we are still further to be taxed, informing the Legislature that fleas are not lobsters, and that the proper size of the meshes of Herring nets is '*one inch and three quarters,*' not one inch and five-eighths.

We have now accumulated a goodly collection of "*facts & figures*" as the Delegates say, to shew that "the country has just cause of complaint against the Assembly, and that their proceedings have not been wisely and prudently, no ! nor even honestly conducted." Such a collection of iniquitous grants, we will venture to say, cannot be equalled in any Colony under the Crown of Great-Britain.

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